

Thereupon BETTY J. RICHTER, being first duly sworn, was examined and testified as follows:

EXAMINATION OF PROSPECTIVE JUROR BETTY J. RICHTER:

BY THE COURT:

Q Will you speak directly into the mike, please?

Is your name Betty J. Richter?

A Yes.

Q R-i-c-h-t-e-r?

A Yes.

Q You live at 5306 West Ridgewood Drive in Parma?

A Yes.

Q That's east of Ridge Road and west of State, I take it?

A That's right.

Q And is it Mrs. or Miss?

A Mrs.

Q And what is your husband's name?

A Len G.

Q How do you spell it?

A L-e-n.

Q And you gave a middle initial?

A That's right.

Q What is it?

A G.

Q Len P.?

A G as in George.

Q Richter?

A Yes.

Q Have you any family?

A Yes, I do.

Q Tell us about that?

A I have a daughter 12 years old.

Q And how old is the daughter?

A 12.

Q And the boy?

A I have no boy.

Q Oh, I thought you said you had a boy. Just one daughter?

A That's right.

Q And are you employed, Mrs. Richter?

A No, I am not.

Q How long have you folks lived on Ridgewood?

A Four years.

Q Where, generally, did you live before that?

A In Brooklyn, Ohio.

Q What is your husband's occupation?

A Insurance.

Q Insurance?

A Yes, sir.

Q Is he in business for himself or is he employed by someone else?

- A He is in business for himself.
- Q In other words, he is an insurance agent?
- A Agent.
- Q Or solicitor?
- A That's right.
- Q Does he have his office in Parma?
- A We have an office at home and he has an office downtown.
- Q And where downtown is his office?
- A In the National City Bank Building.
- Q And how long has he been in that business?
- A Eight years.
- Q Have you ever served as a juror before?
- A No.
- Q Have you ever been a witness in any case in any court before?
- A No.
- Q Do you know any of these good people who were named here this morning?
- A Yes, I do.
- Q Who do you know?
- A I met Dr. Sheppard socially.
- Q You what?
- A I met Dr. Sheppard socially.
- Q You have met Dr. Sheppard personally?

MR. MAHON: Socially.

MR. GARMONE: Socially.

MR. CORRIGAN:

Socially.

Q Oh, socially. And how long ago?

A About two years ago.

Q Was it on one occasion or more than one occasion?

A One occasion.

Q And would that have any influence upon your judgment?

A No, it would not.

Q In any issue between Dr. Sheppard and the State here?

A No.

Q Have you ever been to the Sheppard home?

A No.

Q Or the Sheppards to your home?

A No.

Q You perhaps could answer this yes or no: Was it just an incidental meeting in a social occasion?

A Yes, it was.

Q Do you know the prosecuting attorney, Mr. Frank Cullitan, or any member of his staff?

A No, I do not.

Q Or the sheriff or any member of his staff?

A No, I do not.

Q Or the coroner, Dr. Gerber, or any member of his staff?

A No.

Q I take it that you have read about this case, have you?

A Yes, I have.

✓

Q And heard comments and heard discussions of it? ✓

A Yes.

Q And have you engaged, yourself, in discussions of it?

A Yes, I have.

Q As a result of anything that you heard or have done in that connection, have you ever formed an opinion of your own as to the guilt or innocence of Dr. Sheppard? ✓

A No, I have not.

Q Have you any objection in a proper case to capital punishment? ✓

MR. CORRIGAN: Object.

THE COURT: Overruled.

A No, I have no objection.

Q Do you understand, Mrs. Richter, that it is the function of a jury and the function of the jury alone to decide the guilt or innocence of a person charged with a crime on the basis only of the testimony that comes from that witness stand where you now sit and the instructions of the Court as to the law applicable to the case?

A Yes.

Q You understand that?

A Yes.

Q And do you understand, too, that when testimony is produced from that witness stand, at the moment it is produced, whether it is produced by a professional man, a public office holder

or common laborer, police officer or anyone else, that it is to be put by the jury to the same tests as the testimony of any witness anywhere at any time, that test being only what is the truth; do you understand that to be true?

A Yes, I do.

Q Have you since the 4th day of July and particularly since your name has appeared in the paper as having been called into this court in this case, have you received any communication of any kind from anybody, by mail, by telegraph, telephone or otherwise?

A No, I have not.

Q And do you believe that you could, if selected here as a juror and if called upon to do so, listen to the evidence here carefully and to the instructions of the Court as to the law and be absolutely fair and impartial and decide the case here only on those two factors, the evidence and the law?

A Yes.

MR. MAHON:

Mr. Danaceau.

THE COURT:

This gentleman is Mr.

Danaceau. He is an Assistant County Prosecuting

Attorney. He would like to put a few questions to you.

EXAMINATION OF PROSPECTIVE JUROR BETTY J. RICHTER:

BY MR. DANACEAU:

Q You appreciate that the questions that I will ask and that counsel for the defense will ask you may be of a personal nature, but it is not because we particularly want to pry into your private affairs. They are questions that we have to ask in order to ascertain whether or not you will qualify as a juror, and I take^{it}/that you won't consider them as personal, whether they come from me or from the attorney on the other side of the table.

Now, I believe you said that you incidentally met Dr. Sheppard about two years ago?

A That's right.

Q At what sort of an occasion was it?

A It was a house party.

Q At whose home?

A Mr. Earl Benjamin's.

MR. CORRIGAN: Earl what?

PROSP. JUROR RICHTER: Benjamin.

Q And you were there with your husband?

A No, I was not.

Q And was the late Marilyn Sheppard there, too?

A Yes, she was.

Q You did not know Dr. Sheppard before?

A No. I only heard of him.

Q You merely met him there incidentally?

A That's right.

Q And you haven't met him since, I take it?

A No, I have not.

Q Dr. Sheppard is not a personal acquaintance of either yourself or your husband apart from that incidental meeting?

A That's right.

Q You say it was about two years ago. Was it in the winter season?

A No. I believe it was in July.

Q In July?

A Yes.

Q What was the nature of the house party?

A It was just a house party, just a gathering.

Q Just a gathering of persons invited to the home of Mr. Benjamin?

A That's right.

Q By Mr. --

A By Mr. and Mrs. Benjamin.

Q Now, if in the course of these proceedings Dr. Sam Sheppard should take the witness stand and testify, it would be the function of the jury to weigh his testimony and to decide what weight to give his testimony, what credibility to give his testimony. Would your having met Dr. Sheppard upon this occasion affect your judgment one way or the other as to

what weight to give his testimony, what credibility to give his testimony?

A No, I wouldn't say that.

Q You are quite sure it would not embarrass you in the slightest?

A No, positive.

Q You are positive of that?

A Yes.

Q Now, I believe you also stated that your husband is in the insurance business and that his office is in the National City Bank Building?

A Yes.

Q On what floor?

A Five, 521.

Q And what company is he associated with?

A That's the Confederation Life Insurance.

Q Confederation Life?

A Yes.

Q Do you or your husband, to your knowledge, know a Mr. Roach, who is also in the insurance business and has his office in the National City Bank Building?

A No, I do not know him.

Q You don't recall that name at all?

A No, never.

Q And you don't recall Mr. Richter ever having mentioned the

name of Mr. Roach?

A No, sir.

Q Does your husband have any associates, any partners or associates in his business?

A No.

Q He is in business individually?

A That's right.

Q By and for himself?

A Yes.

Q And how long did you say he was in that business?

A Eight years.

Q And what did he do prior to that?

A Well, he was in the Service twice, in the Service.

Q In the Service?

A Air Force twice, the second World War and Korea.

Q Now, you understand, Mrs. Richter, the nature of this case?

A Yes.

Q The defendant is charged with first degree murder, and I believe you stated that you are not opposed to capital punishment?

A No, I am not.

Q Now, the Grand Jury has indicted Dr. Sheppard, and you understand that the indictment itself is merely a charge, it is not evidence?

A That's right.

Q And that it is the responsibility of the State of Ohio, through the Prosecutor's office, to present evidence which will prove that he is guilty beyond a reasonable doubt, do you understand that?

A That's right.

Q And that he comes into this courtroom with a presumption of innocence, and that that remains with him until he is so proven guilty, you understand that?

A Yes, I do.

Q Now, in a courtroom where a man is tried, the jury tries the facts, that is, they decide what the facts are. The Judge, Judge Blythin, will give the jury the principles of law which they are to apply to those facts.

And on the basis of the facts that they find and the law given to them by the Judge, the jury decides the guilt or innocence of a person charged with a crime.

Now, to ascertain, to decide what the facts are, the jury must receive the evidence from witnesses who will be brought in and who will be seated right in the same chair that you are presently occupying. They will testify under oath, and it will be the function of the jury -- and by the way, you are being examined as an alternate juror so that in case of a vacancy later on in the course of the proceedings you can be substituted for one of the original jurors -- it will be the function of the jury to find out where the truth

lies because it is their job to search for the truth, and in order to find out where the truth lies they have to weigh the evidence that is given them by the witness to decide which of the witnesses are telling the truth, which of the witnesses are more qualified to testify concerning the subject matter to which they testify, and that the jury may believe or disbelieve any witness, they may believe part of a witness's story and disbelieve the remainder. That is all the function of the story.

Now, when witnesses are brought here, they come here upon an equal basis and you are to treat all alike, whether they be laymen or people holding public office, professional people or police officers, you treat them all alike and you don't believe one as against the other simply because of the position that they occupy or the title that they hold. You understand that?

A Yes.

Q However, there are certain guides, tests or standards, rules, call it what you may, by which a jury may weigh the testimony, give credibility to the testimony of witnesses.

For example, if a witness has an interest in the outcome of the case, in other words, there is a possibility of being partial to one side or the other, and that is a matter that the jury may take into consideration. You understand that, I take it?

A (Witness nods head affirmatively.)

Q Another guide is whether the witness has an opportunity to know the facts concerning which he is testifying or she is testifying. Another guide is: Is the witness's story reasonable, probable, or is it, on the contrary, unreasonable or improbable?

And the jury has the right to give greater weight and credibility to a reasonable, probable story and less to an unreasonable and improbable story. You understand that, do you not?

A I do.

Q In fact, you are permitted and instructed to apply all of your personal experiences in life to decide where the truth lies, and you will do that, will you not?

A Yes, I will.

Q And the Court will also advise you that you may consider both direct evidence and circumstantial evidence, both types of evidence are perfectly proper. You will do that?

3 A Yes, I will.

Q The Court will instruct you as to these types of evidence. You will take the Court's instructions, will you not?

A (Witness nods head affirmatively.)

Q You appreciate, do you not, that in a case such as this, upon proper proof, that a jury may bring in a verdict of guilty, which would carry with it the penalty of death?

A Properly proven.

Q And that is a very serious matter. It imposes a very serious responsibility upon counsel for the State, counsel for the defendant and the jury. And are you prepared to assume that responsibility?

A Yes, I believe I am.

Q Are you prepared to sit here as a juror, receive the evidence from the witnesses, the law from Judge Blythin and decide this case solely on that evidence and that law and on nothing else?

A That's right.

Q And you will not be prejudiced or biased one way or the other?

A No.

Q Nor will you permit sympathy for the defendant or for anyone else to enter into the picture whatsoever?

A No.

Q You are prepared to decide this case fairly and squarely between the State of Ohio and the defendant and let the chips fall where they may?

A That's right.

MR. DANACEAU:

Pass for cause.

THE COURT:

Do you want to start?

Perhaps your examination ought to come in one. I think that is the fairest way to do it.

Ladies and gentlemen, we will now be adjourned
until 1:15 this afternoon. And will you, and you
too, Mrs. Richter, please, please be careful not to
discuss any phase of this case at all during the
noon hour?

Without any formality at all, we will be
adjourned until 1:15 this afternoon.

(Thereupon an adjournment was taken at 11:50
o'clock a.m. to 1:15 o'clock p.m. of the same day,
at which time the following proceedings were had:)

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Monday Afternoon Session, November 1, 1954.
1:30 o'clock p.m.

Thereupon BETTY J. RICHTER resumed the stand
and was examined and testified further, as follows:

MR. DANACEAU: If the Court please,
may I ask a few questions before we pass?

THE COURT: All right.

EXAMINATION OF PROSPECTIVE JUROR
BETTY J. RICHTER (CONTINUED)

By Mr. Danaceau:

Q When did you receive the summons to appear as a prospective
juror?

A Friday.

Q Of this past week?

A Yes, sir.

Q And since that time have you discussed this case with anyone
any place?

A Not in detail, no.

Q Did you have occasion to attend some affair at the Sleepy
Hollow Golf Club Saturday night?

A Yes, I did.

Q And what was the nature of that affair?

A It was just a dance.

Q Under whose auspices?

A Just given by the Sleepy Hollow Country Club.

Q Did the Brooklyn Builders Exchange have anything to do with that dance?

A No, not that I know of.

Q Now, at this dance, you were there with your husband, I take it?

A Yes, I was.

Q Was there any discussion in your presence concerning this case?

A Just the fact that I had to appear for jury duty. ✓

Q Did you express an opinion about any matter in connection with this case at that time?

A No, I didn't.

Q You did not?

A No, I didn't.

Q Did anyone discuss it in your presence?

A Yes, they did.

Q Was any opinion expressed in your presence?

A No, nothing definite. ✓

Q Who were some of the parties who discussed the matter in your presence?

A Well, we were with Mr. and Mrs. Bert Shaffer, and I met Mr. and Mrs. Joe Lessman thereabout, but there was nothing in detail.

Q You said nothing in detail several times. What do you mean

by that?

A Well, outside of the fact they knew that I was going to appear for this alternate jury, and that's about all that I can think of.

Q Would you refresh your recollection, or --

A Well, they asked me how I got my summons, and I told them that someone came to the door, gave me my summons on Friday. And how did I feel about going onto something like this. And that's about all I can recollect.

Q How late were you there?

A At the Country Club?

Q Yes.

A I think until about one o'clock, one.

Q And during what part of the evening was it that these discussions took place? Was it early or late?

A It was before we left. Mr. and Mrs. Arthur--Dr. and Mrs. Arthur, he is a veterinarian, we met at their home for cocktails, and then all this about me coming down to the jury is all that --

Q It was after you had cocktails?

A Then we went to the dance, and then nothing was discussed there at the dance.

Q What time did you get to the dance?

A About 10 o'clock.

Q And you remained there until about one o'clock?

A Yes.

Q Anything said beyond what you have disclosed?

A No.

Q Who is Dr. Arthur?

A He is a veterinarian.

Q Where does he live?

A He lives on Monmouth Avenue in Parma.

Q Now, when you mentioned a Mr. Benjamin, was it at their home, this party that took place two years ago?

A Yes.

Q Was it a doctor?

A No. It is Mr. Benjamin.

Q What is his first name?

A Earl.

Q What is Mrs. Benjamin's name?

A Mrs. Lucille.

Q And where is their home?

A On West 140th.

Q Do you know the address?

A Offhand, I don't.

Q Near what main thoroughfare is it?

A It is close to Lorain Street.

Q Do you know what the occupation of Mr. Benjamin is?

A Yes. He is the owner of the Weldon Construction Company.

Q Now, at this party do you recall any mutual friends of

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yourself and the Sheppards?

A You mean this party two years ago?

Q Yes.

A Well, their friends--no, I believe they are patients of the Sheppard family.

Q Who are patients?

A The Benjamins.

Q The Benjamins are patients of Dr. Sam Sheppard?

A That's right.

Q And do you know of anybody else there that were either friends or patients of Sam Sheppard or any of the other members of the Sheppard family?

A No, I don't.

Q Had you ever played golf with any member of the Sheppard family?

A Yes.

Q With whom?

A I played golf with Marilyn. ✓

Q When was this?

A That was about -- after the party, about two years ago in August.

Q Where did you play golf with Marilyn?

A At Ridgewood Country Club.

Q How often had you played golf with her?

A Just once.

Q Were you the only two, or was there a foursome?

A No. Mrs. Lucille Benjamin was with us.

Q Lucille Benjamin was with you?

A Yes.

Q Did you meet Marilyn Sheppard or any other member of the Sheppard family after that?

A No.

Q Is that the only time that you met anyone of them apart from this party that you have mentioned?

A That's right.

Q Did you ever talk to Marilyn Sheppard on the telephone?

A No, I did not, outside of arranging this golf date. We might have contacted each other on the phone, but that's -- I'm not sure about that.

Q Do you recall who arranged this golf date?

A Well, I think at the time we talked that we all enjoyed playing golf, and I think we made a tentative arrangement at the time, and then a few weeks after that the three of us met and played golf.

Q Do you recall anybody else at that party other than the Benjamins who were acquainted with the Sheppards and is acquainted with you?

A No.

Q Now, knowing Marilyn Sheppard, as you have testified to, you played golf with her, knowing Dr. Sam Sheppard, knowing

that this case relates to the charge that Dr. Sam Sheppard killed Marilyn Sheppard, and knowing that this case involves the penalty of death should the jury find the defendant guilty, and not recommend mercy, do you believe that you could sit here as a juror?

A Well, I feel that I don't know -- I didn't know either Dr. Sheppard or Marilyn that well. I met them just on this slight occasion, and there are several people that you meet slightly, you don't get to know them personally, but I don't feel as though it were a personal friend.

Q Won't the fact that you had met them, know them, played golf with them, with Marilyn --

A No, truthfully, no, it does not affect me that way. If I had known them better and known them longer, perhaps that would have an effect, but I don't feel that way now.

Q You realize, of course, that Dr. Sam Sheppard may be in that witness stand?

A I realize that.

Q Won't your past relationship with Marilyn Sheppard, your being at this party, played golf with Marilyn -- won't that have some tendency, at least, to affect your attitude in this case?

A The way I feel right now, it doesn't. I mean if you believe it will affect me, why, then that is for you to decide, but the way I feel now it does not. I mean, like I say, I didn't

know them that well. Had I been intimate, close friends, I could understand that.

Q There are members of the Sheppard family who will also take that witness stand. Won't your past association with Marilyn Sheppard and your association with Dr. Sam Sheppard, who is accused of her murder, won't that have a tendency to affect your judgment in evaluating their testimony?

A No. I don't know Dr. Steve's wife, and I don't know Dr. Richard's wife. I never met them.

Q Let me ask you this final question: In view of your past association and relationship, could you possibly join in a verdict that would take the life of Sam Sheppard?

MR. CORRIGAN: Wait a minute. Object to that question. That is an improper question.

THE COURT: I think that is right.

Objection will be sustained to it in that form.

Q In view of your past association with Marilyn Sheppard and Dr. Sam Sheppard could you, no matter what the evidence was in this case, join in a verdict that would take the life of Dr. Sam Sheppard?

MR. CORRIGAN: I object to that.

MR. GARMONE: Object to the question as to its form.

THE COURT: I think the objection will be sustained.

Q Could you, in view of your past association with Dr. Sam Sheppard and Marilyn Sheppard, in a proper case, properly proved, join in a verdict to take the life of Dr. Sam Sheppard?

MR. CORRIGAN: Object to the question. There is only one thing that you can ask a juror on voir dire, and that is whether they have opinions that would prevent them from entering in a verdict of first --

THE COURT: I don't think it is quite that narrow.

MR. CORRIGAN: That is trying to put the words into the woman's mouth.

MR. DANACEAU: No one is trying to put words in the woman's mouth. We want a fair jury for the State as well as for the defense.

MR. CORRIGAN: The determination of first degree murder and a chair verdict is entirely in the hands of the jury.

MR. MAHON: Of course it is in the hands of the jury. That is what the question is being asked for.

THE COURT: The Court will sustain the objection in its present form. Let me just see if I

can clear that up, and Mr. Corrigan can make his objection, if he wants to.

Could you, Mrs. Richter, in spite of your associations, whatever they were, in a proper case, and assuming that all of your fellow-jurors and you were in unison on the matter, could you, if they felt from all the evidence that Sam Sheppard was guilty beyond a reasonable doubt of murder in the first degree, and the jury together did not deem it proper to recommend mercy, could you join in a verdict of guilty, if you knew at that time that that would mean taking his life?

MR. CORRIGAN: I object. It is an entirely improper question that the Court has addressed to the juror.

THE COURT: Objection will be overruled.

MR. CORRIGAN: I except.

THE COURT: Does that cover your --

MR. DANACEAU: That is the question, yes.

MR. CORRIGAN: I except. The only thing that this Court or this prosecutor or anybody else in this courtroom can do is to state the law to the juror on voir dire.

THE COURT: The Court has ruled.

MR. CORRIGAN: Not to try to find out if a juror will join in a verdict of first degree murder to send a person to the chair. It is an entirely improper question.

THE COURT: Mr. Corrigan, it is asked in every case of murder in the first degree that this Court has tried or heard.

MR. CORRIGAN: You have not tried to find if a juror will join in a verdict of first degree murder if the other eleven -- suppose one person won't join in it?

THE COURT: Let's not have argument about it now. The Court has ruled and the objection will be overruled.

Now, do you now understand the question?

PROSPECTIVE JUROR RICHTER: Yes, I do.

THE COURT: All right. Have you an answer to it?

PROSPECTIVE JUROR RICHTER: Well, like I said before, my acquaintance with them was so slight that I don't think -- I know it wouldn't influence my opinion.

THE COURT: No, that doesn't answer the question. You listen to the question.

MR. CORRIGAN: Here you are emphasizing the first degree, the chair.

MR. DANACEAU: We object to this comment.

MR. CORRIGAN: I have a right to talk in this courtroom, sir.

MR. DANACEAU: Yes, but you have no right to talk in such a manner as to prejudice --

MR. CORRIGAN: You people and the Judge are emphasizing the chair in this case.

THE COURT: Just a minute, gentlemen. The Court has ruled, and the Court will permit

the question to be answered. Let her answer.

(Thereupon the question was read by the reporter.)

MR. CORRIGAN: I object to the question.

THE COURT: Overruled and exception.

PROSPECTIVE JUROR RICHTER: Yes.

THE COURT: Your answer is yes?

PROSPECTIVE JUROR RICHTER: Yes.

MR. DANACEAU: We challenge for cause.

MR. CORRIGAN: What cause has been shown?

THE COURT: You challenge for cause?

MR. DANACEAU: Yes, sir. We think that the facts speak louder than the mere conclusion.

THE COURT: What is the specific cause?

MR. DANACEAU: The specific cause is her relationship with the deceased as well as with the accused. This case involves nothing other than an act of the deceased -- of the accused against the deceased. How a person with that association can sit as an impartial juror, no matter what she says, I cannot conceive.

MR. CORRIGAN: We object to the challenge.

THE COURT: The Court will excuse Mrs. Richter.

MR. CORRIGAN: On what ground, your Honor?

THE COURT: On the ground that her association has been so close, for the moment, at least, with both the decedent and the accused, and it is rather difficult --

MR. CORRIGAN: I beg to call the Court's attention to Section 2945.25 of the General Code of Ohio, which binds this court, which provides that a person shall be challenged for cause: that he was a member of the Grand Jury; that he has formed or expressed an opinion; that in a capital case he is opposed to -- does not believe in capital punishment; that he is related in the fifth degree of kindred. And challenges shall be allowed as of Section 2313.41 to 43, which provides: "A challenge for cause shall be conviction of a crime which involves moral turpitude; that he has an interest in the cause; that he is a party to an action pending between parties; that he is an employer or employee or a spouse, parent, son or daughter of the employer;

that he is a spouse or party to an action in a trial pending in any part of this county; that he has served as a juror in this court in the past twelve months."

Now, where does the Court find a challenge for cause in this juror?

THE COURT: May I ask one question, Mr. Corrigan? Do you claim that those grounds are exclusive?

MR. CORRIGAN: I claim they are exclusive.

THE COURT: Oh, no. The statute says that a prospective juror may be challenged for any of these things, but it does not say that they are exclusive as any place that the Court has been able to find, and many prospective jurors, as you well know, are excused for reasons that are not mentioned within those provisions of the statute.

MR. CORRIGAN: Why, we challenged a woman for cause here, your Honor, a week ago, who had expressed opinions, and the Court overruled us. Now you take this woman here, because she is acquainted with -- she met that man once, is that a challenge for cause? Well, of course, you are the

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Court, we are just the lawyers.

MR. DANACEAU: If the Court please,
in order to avoid any further argument, we withdraw
the objection at this time, -- withdraw the chal-
lenge at this time.

MR. COPRIGAN: Well, the Court has
already excused her.

THE COURT: I have already ex-
cused the lady. You will be excused, Mr. Richter.

MR. COPRIGAN: Note our exception,
your Honor. ✓

THE COURT: Yes, sir.

(Prospective Juror excused.)

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