

Thereupon LOIS H. MANCINI, being first
duly sworn, was examined and testified as follows:

EXAMINATION OF PROS. JUROR LOIS H. MANCINI

By the Court:

Q Is your name Lois H. Mancini?

A Yes, it is, sir.

Q And you live at 16920 Stockbridge Avenue?

A Yes, sir.

Q That is southeast?

A Yes. Lee and Harvard.

Q Is it Mrs. or Miss?

A It is Mrs.

Q And what is your husband's name, please?

A William.

Q And have you a family?

A Yes, I have. I have two daughters.

Q How old are they?

A Seven and one and a half years old.

Q And are you employed?

A No, I am not. I am a housewife. I do work for the Election Board on voting days.

Q Oh, well. You are not steadily employed?

A No, I am not.

Q Or regular part-time employed?

A No, sir.

Q Is the entire household consisting of yourself and your husband and two children?

A Also my mother lives with me.

Q How long have you lived on Stockbridge?

A Six and a half years.

Q Did I ask your husband's first name? I think I did.

A Yes.

Q What is his occupation or business?

A He is an automobile mechanic.

Q Is he self-employed or employed by others?

A He is employed by others.

Q Who is he employed by?

A Sills Chevrolet on Kinsman Road, Shaker Heights.

MR. MAHON: What is the name of
the company?

PROS. JUROR MANCINI: Sills. S-i-l-l-s.

Q Sills Chevrolet on Kinsman. How long has he been so employed, roughly?

A About six years, I believe.

Q Have you ever served as a juror before?

A No, sir, I haven't.

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

A No, sir, I haven't.

Q I named all these gentlemen around the trial table this

morning. Do you know any of them?

A No, sir, I don't.

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

A No, sir, I do not.

Q Or the sheriff, Mr. Sweeney, or any member of his staff?

A No, sir.

Q The Coroner, Dr. Gerber, or any member of his staff?

A No, sir, I do not.

Q Are there any members of your family, and in that I'd like to include your husband's family as well -- who are members of any Police Department or any law enforcing agency anywhere, if you know?

A No, sir.

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

A No, sir, other than -- I don't know whether that makes any difference, but I had two brothers killed in World War II.

Q You had two brothers --

A Killed in World War II, but not criminally.

Q I am speaking outside of war now.

A No, sir.

Q I am speaking of crime, somebody robbed them or attacked them somewhere.

A No, sir.

Q Have you read or heard of this Sheppard case before?

A Yes, sir, I have.

Q And by what means did you, just generally?

A The newspaper and radio and television.

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

A Yes, sir.

Q And as a result of what you read, what you heard or what you discussed, or others discussed in your presence, have you formed any opinion at all as to the guilt or innocence of Dr. Sheppard?

A You mean at any time at all?

Q Yes.

A Yes, I have had various opinions.

Q Have you an opinion now?

A No, sir, I haven't.

Q How long is it since you entertained an opinion?

A Well, sir, I don't know if I can pin it down to any time.

Q But you are sure that you do not have an opinion now, is that right?

A Yes, that is true.

Q I believe --

A I believe I'd have to hear the whole case before I would form an opinion.

Q What?

A I'd have to hear the whole case before I would form an opinion.

Q You would have to hear the entire case before you formed any opinion. Do you understand that that is the function of the jury?

A Yes, I do.

Q And that the jury and the jury alone determine the guilt or innocence of a person charged with crime?

A Yes, sir.

Q And do you understand, too, that the jury does that on the basis of the evidence that is produced from this witness stand and the instructions of the Court as to the law, and from no other source whatever?

A Yes, sir.

Q And do you understand, too, that evidence, when it is produced on that witness stand, is to be weighed in the same scales without regard to who produces that evidence, whether he be a professional man, public official police officer or common laborer, that they are all on the same basis on that witness stand at the outset, and that the only test is the test of truth, and that the jury must weigh all of the evidence, having in mind that they are seeking only the truth? You understand that?

A Yes, sir.

Q Have you any objection, in a proper case, to capital

punishment?

A No, sir, I haven't.

Q Have you received any communication of any kind whatever about this case, or that could be directed to it, by letter, by telegram, by phone, or otherwise, since the 4th of July of this year?

A No, sir.

Q Have you discussed this matter with anyone since your name has appeared in the newspapers as a prospective juror?

A Well, none than having been called to come down here.

Q What were they calling about?

A Well, to tell me that they saw my picture or read my name in the paper.

Q Have you had any discussion with anyone of the case itself since you were called as a witness here -- as a prospective juror here?

A Do you mean with anyone here, any of the other prospective jurors?

Q No. Since your name appeared in the paper have you had any discussion about the case itself as distinguished from a discussion that you mentioned, that they were discussing the fact that you had been called as a juror?

A No, I don't believe so.

Q Do you believe, Mrs. Mancini, that you could sit here and listen to the evidence and the instructions of the Court as

to the law and be guided entirely by those, and be absolutely fair and impartial in this case?

A Yes, sir, I think I could.

Q You say you think you could. Could you?

A I could. Yes, I could.

THE COURT: This is Mr. John Mahon,
Assistant County Prosecuting Attorney, who would
like to put a few questions.

EXAMINATION OF PROS. JUROR MANCINI

By Mr. Mahon:

Q Mrs. Mancini, I want to ask you a few questions, not to pry into your private affairs at all, you understand. It is merely an endeavor here to get a juror that can be fair and impartial in this case. You understand that?

A Yes, sir.

Q Are you related at all to Paul Mancini, the lawyer?

A No, I don't believe so. I don't know the name.

Q You have told Judge Blythin that you have read about this case.

A Yes, sir, I have.

Q And you have heard it mentioned on the radio?

A Yes, sir.

Q And you have seen it on the TV, is that right?

A Yes, sir.

Q When did you first read about it?

A The first morning that it was in the paper, the morning Plain Dealer.

Q And following that, did you continuously read about it day to day?

A No. I may possibly have read a few things, but I didn't follow the whole thing thoroughly. I didn't read every word that was in the paper about it.

Q Well, did you read most of the things that were in the newspaper?

A Yes, sir, I believe I read most of it.

Q And there was a considerable amount of news in the newspaper concerning this matter?

A I believe about three-quarters of it was about the case.

Q Did I understand you correctly that from -- withdraw that for the moment.

Now, after reading about the case, did you discuss it with anyone?

A Yes, sir, I did.

Q With more than one person?

A Yes, sir.

Q About how many people did you discuss this matter with?

A I don't think I could come down to a figure. I'd have to say it was about the general topic of conversation most everywhere.

Q Can you tell us about how many you talked to about it?

A Well, I believe about most everybody I talked to.

Q How many is that?

A I couldn't say how many that is.

Q Is it ten or less?

A My family, my friends, anyone that --

Q To get it into a figure, would it be five people or more than five?

A I would say more than five people.

Q Would it be ten or more than ten?

A I'd say more than ten.

Q What would you put it as a top figure?

A I don't believe I could put it in a top figure.

Q Would it run into hundreds?

A You mean up until this point?

Q That's right.

A From the time it happened until now?

Q That's right. That you had some discussion about this case?

A Well, people I have talked to on the telephone, my friends, my relatives, different ones that would ask me about it, and I would also discuss it. I really couldn't put it in a figure. I couldn't say how many people I have talked to since that time.

Q Could you give us an approximate number?

A Oh, possibly twenty-five or fifty people, I would say.

Q And that continued down until what time? Until you were summoned in this case?

A No. I believe it rather slacked away a couple of months ago. Just occasionally that it would be brought up in the conversation.

Q Did I understand you correctly in answer to a question by Judge Blythin that you had formed an opinion concerning the guilt or innocence of Sam Sheppard?

A I have had two different opinions, yes, at various times.

Q And when did you form your first opinion?

A I would say a few days after I first read it in the newspaper.

Q And then did you change your opinion after that?

A Yes, I did.

Q And can you tell us about when it was that you formed a different opinion?

A Well, possibly a month after it happened.

Q And after that did you change at all?

A Yes, I did.

Q And did you change to a different opinion then?

A No. I changed to the point where I had no opinion.

Q And when was it that you changed that you had no opinion?

A Well, I can't give a definite date.

Q I am not asking -- just approximately what time was it?

A Possibly about September.

Q In September?

A Yes.

Q Last month?

A Yes.

154 Q Well, it is two months now. This is the 1st of November.

A Yes. Possibly two months ago. One thing other than the evidence I have read in the newspapers -- you see the shows on television, and the movies, also, where crimes seem to point to one man and everybody thinks he is the guilty party, and then it turns out to be someone that wasn't thought of in the first place, so I feel you shouldn't really judge anyone until you know more about it yourself.

Q Now, at the time that you received your summons, when was that? Last Thursday?

A Thursday evening about 7:00 o'clock.

Q At that time, just before you received your summons, did you have any fixed opinion as to the guilt or innocence of Sam Sheppard?

A No, I didn't.

Q Now, after you received your summons, did you talk to anyone about this case?

A Just my mother. Just merely about being called down here. I was nervous.

Q Have you read articles in the newspaper since you received

your summons? ✓

A Yes, I have.

Q Have you heard comments on the radio since that time?

A Yes, I have. ✓

Q And have you watched television and seen anything on that since then?

A Yes, I have. ✓

Q Did any of that cause you to form any opinion since you received your summons?

A No, I haven't. I have tried to pass it over, more or less.

Q Well, now, you are the only one can judge this and answer this question: Right at the present moment, right now, have you any fixed opinion as to the guilt or innocence of Sam Sheppard? |

A No, I do not.

Q You have none whatever?

A No, sir.

Q And do you feel that you could enter into this case as a juror at this time and obtain all of your information right here in this courtroom from witnesses that will take that witness stand?

A Yes, sir.

Q And be guided solely and entirely from that testimony?

A Yes, sir.

Q Disregard everything that you have read or heard about this

case outside of that?

A Yes, sir.

Q You feel that you could do that?

A Yes, sir.

Q The Court will tell you that it is the function of a jury to determine the facts in this case, and no one can interfere with the jury in determining what the facts are. The jury finds the facts from the evidence, that is, from the testimony of the witnesses on the witness stand plus any physical exhibits that might be admitted into the evidence. Do you understand that?

A Yes, sir.

Q As I said, no one can interfere with the jury in determining those facts, the judge or the lawyers, or anyone. You understand that fully?

A Yes, sir.

Q On the other hand, the rules of law that apply in a case of this kind are laid down by the Judge. He tells the jury what the law is that governs a case of this kind, and the jury is bound to follow those instructions. Do you feel that you can do that?

A Yes, sir.

Q I don't want to confuse you now. I don't mean that the Judge will attempt to interfere with the jury in finding the facts, but the Judge will instruct the jury on the law,

and the jury is bound to follow those instructions, and when I say the law, I mean such things as the Judge will tell the jury what is necessary to be proven, what elements are necessary to be proven before you would be justified in finding a person guilty; he will define what first degree murder is. You understand that?

A Yes.

Q And define other phases of the law in connection with a case of first degree murder, for instance, what reasonable doubt is, he will define that to you; define what presumption of innocence is to the jury. You will follow all those instructions, will you?

A Yes, sir.

Q Now, one of the rules of law that the Judge will instruct you on is that where one is charged with the commission of a crime, where they enter a plea of not guilty to that charge -- and that has happened in this case -- that then the law presumes that the person charged is innocent until the State produces evidence to prove him guilty beyond a reasonable doubt. Now, if Judge Blythin tells you that is the law, will you follow that?

A Yes, sir.

Q And do you feel at this time, right at this moment -- can you presume that this defendant, Sam Sheppard, is innocent?

A You say presume he is innocent?

Q Yes.

A Yes, sir.

Q You can do that?

A Yes, sir.

Q And you will require that the State of Ohio produce sufficient evidence to convince you of his guilt beyond a reasonable doubt before you will vote a guilty verdict?

A Yes, sir.

Q Is that right?

A Yes, sir.

Q Now, there will be many witnesses who will testify here, and there will be professional people, which are doctors, there will be technicians that will testify, there will be policemen who will testify, and there will be lay citizens, common, ordinary citizens who haven't got a profession, and then just the ordinary citizen will testify. Now, in addition to the jury determining the facts in this case, the jury has the obligation of determining the credibility and the weight that they will give to the testimony of any witness who testifies, and every witness who testifies. Do you understand that?

A Yes.

Q In other words, the jury has the job of determining which witness is telling the truth, and what is the truth, regardless of whether they are professional people, public officials,

policemen or the common, ordinary citizen. Do you understand that?

A Yes.

Q And will you weigh the testimony of all of the witnesses regardless of his station in life or their occupations? Will you weigh the testimony of each and every one of them on the same scale and give credit to those witnesses that you think are entitled to credit and give no credit to those witnesses who you feel are not entitled to credit?

A In other words, show no discrimination, is that right?

Q That is one thing, of course, show no discrimination.

A Well, I mean in the testimony of a doctor as opposed to a bricklayer, is that right?

Q That's right.

A Show no discrimination?

Q That's right. Show no discrimination because of those differences in positions.

A Yes, sir.

Q You will weigh the testimony of each of them on the same scale and determine which of them are telling the truth?

A Yes, sir.

Q Is that right?

A Yes, sir.

Q And you will do that, will you?

A Yes, sir.

Q And in determining who is telling the truth, the Court will tell you as a matter of law that you have a right to take into consideration their frankness or lack of frankness in testifying; you have a right to take into consideration as to whether they tell you a reasonable story or an unreasonable story; you have a right to take into consideration the probability or the improbability of the stories that are told to you; and you have a right to take into consideration the interest that any witness has in the outcome of this case.

Now, if the Court tells you you might apply all those tests to a witness's testimony, you will follow the Court's instructions, will you not?

A Yes, sir.

Q And in addition to what the Court will -- those rules that the Court will give you, he will also tell you that you have a right to use the same common sense that you use every day of your life in determining whether or not people are telling you the truth. You will follow those dictates, also, will you not?

A Yes, sir.

Q Now, there will be in this case both direct and circumstantial evidence, and the Court will tell you that both types of evidence are competent in this case, and you will follow the Court's instructions as to that feature of this case,

will you not?

A Yes, sir.

Q In a general way, do you understand what direct and circumstantial evidence is?

A Direct evidence, I will say, is the positive evidence that you have at hand, and circumstantial evidence --

Q Well, some lawyers can't explain it either, including myself.

A Well, I would say that direct evidence is the positive evidence that you have the proof at hand. Circumstantial places --

Q Suppose I put it this way: Direct evidence are those things that you can see, that you can hear, some witness hears something or sees something, they come in and tell what they saw or heard -- that is an example of what direct evidence is. And circumstantial evidence is where, from proven facts, you can draw certain conclusions from those proven facts.

I'm sure I don't make myself clear to you, but do you understand in a general way?

A I have a general idea, yes.

Q And the Court will instruct you on that, and you will pay close attention and follow his instructions, will you?

A Yes, sir.

Q You have no prejudices at this time against either type of

evidence; have you?

A No, sir, I don't.

Q You will give all the evidence the consideration that you think it deserves?

A Yes.

Q Whether it is direct or whether it is circumstantial, is that correct?

A Yes, sir.

Q Well, now, in determining this case, of course, as I said before, it should be determined on the facts and the law. You would not be influenced by any bias or passion, prejudice or sympathy for anyone in this case, would you?

A No, sir.

Q You feel that you can sit here as a juror and listen to the stories of the various witnesses and the law that the Court will instruct you on, and decide this case on that and that alone?

A Yes, sir.

Q Now, I might ask you many questions and still might not touch upon something that is in your mind, so let me ask you this broad question: Will you search your own mind 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 No, sir, I can't.

Q You cannot. Thank you.

MR. MAHON: Pass for cause.

THE COURT: That gentleman is
Mr. Garmone of the defense. He would like to
put a few questions to you.

EXAMINATION OF PROS. JUROR MANCINI

By Mr. Garmone:

Q Mrs. Mancini, do you have any brothers or sisters?

A No, I don't. I did have two brothers.

Q And I think you did say to Judge Blythin that the only
persons living at your home, other than your family, is
your mother?

A Yes, sir.

Q And that Mr. Mancini works at the Sills Chevrolet Company
as a mechanic?

A Yes, sir.

Q How long has he been with Sills?

A Well, Mr. Sill has just taken over within the last few
months. It was formerly Anderson Chevrolet, and he has been
there for about six years.

Q Is that outfit that is out there -- that is the outfit that
is out there on Kinsman Road?

A Yes, sir.

Q Of course, we are only interested, Mrs. Mancini, in getting

a jury that will be fair and impartial to both sides in this case, fair and impartial to the State and fair and impartial to Sam Sheppard who sits on the other side of the table.

Now, were you born and raised in Cleveland?

A Yes, sir, I was.

Q What is your mother's name?

A Mrs. Alma Fisher.

Q She is not employed?

A No, she is not, although she is a registered nurse.

Q Now, in some of these discussions that you were frank to tell us about, did you yourself ever express an opinion about Sam's guilt or innocence?

A You mean at any time?

Q At any time.

A Yes, sir, I have.

Q And about to how many people would you expressed that opinion? Many of them?

A I would say many, yes.

Q It was the general topic of discussion?

A Yes, it was.

Q Because, as you said, the newspapers were three-fourths filled with the Sheppard name and the other quarter was used for probably the sports page and the funny page, is that right?

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A That's right. ✓

Q And I suppose in return there were many opinions expressed to you also? ✓

A Yes, sir, there were. ✓

Q Now, did Mr. Mancini ever express an opinion to you?

A No, he hasn't. He didn't follow it too much. He doesn't express many opinions about anything.

Q All the opinions that are expressed around the house are by you?

A I guess I am the boss.

Q Well, that is a good way to manage the household. Was there any opinions expressed by your mother, Mrs. Fisher, to you, how she felt about it? ✓

A She may have. I imagine she has. ✓

Q Without telling me what the opinions were that you expressed or had expressed to you, did you come into this courtroom this afternoon with any opinion?

A No, sir, I haven't. —

Q Of your own?

A No, sir.

Q Did you come into the courtroom with any of the opinions that may have been expressed by some other people to you?

A No, sir. ✓

Q You feel that you have an open mind now?

A Yes, I do.

Q And if you are chosen, that you will accept only those facts that you hear in this courtroom, is that correct?

A Yes, sir.

Q Now, you did say that you were not employed, but around election time -- and tomorrow is Election Day -- that you have a part-time job?

A Yes, sir, that's right.

Q You are out of the 30th Ward, is that right?

A Yes, sir.

Q Is Mr. Lipowski your councilman?

A No, he is not.

Q Who is --

A Oh, yes, yes, sir. I was thinking about the committeeman.

Q Do you know him?

A I met him once.

Q You were thinking about the committeeman?

A Committee leader, yes.

Q Who was he?

A Frank Fagin.

Q He is the Ward leader?

A Ward leader.

Q Was it through his efforts or is it through his efforts that you get this part-time job that you have?

A Yes, it was.

Q Now, Mr. Fagin is the Ward leader for the Democratic Party,

is that right?

A Yes, sir.

Q Now, would the fact that some of the opposition are members of the Democratic Party, would that have any influence as to what your decision should be in this case?

A No, sir, it wouldn't, because I don't vote strictly one way.

Q You do exercise the right of being a non-partisan?

A That is the truth.

Q Is that right?

A That's right. I vote for who I think is right for the position.

Q Would the fact that Dr. Gerber, who is the Coroner of our county here and has been a candidate for a good many years on the Democratic ticket -- would that have any influence on you?

A No, sir, it wouldn't.

Q You wouldn't try to please Mr. Fagin in any way with your decision in this case, would you?

A No, sir.

Q You wouldn't consider the fact that he is a member of the same party that the Prosecutor's office is represented by -- would that cause some influence in how you should decide the facts that you hear in this courtroom?

A No, sir.

Q Sam Sheppard was indicted by the Grand Jury. He is charged

with murder in the first degree. That calls for the taking of a life, his life in this case, so you appreciate, then, the responsibility that may come your way as a great one, is that right?

A Yes, sir.

Q And if the Court says to you, Mrs. Mancini, that the facts that you should only interest yourself in are those facts that you gather in this courtroom, you will subscribe to that admonition and law?

A Yes, sir.

Q When we talk about the facts, you, as a juror, should you before the end of this trial take your place in this jury box with these other ladies and gentlemen, you, as a juror, will be the sole judge of those facts, that is the law that Judge Blythin will tell you, and will you follow that principle of law?

A Yes, sir.

Q He, Judge Blythin, can't trespass on that authority when it comes to judging the facts; I can't, as one of the lawyers for Mr. Sheppard, nor can any of these three gentleman who represent the State. That is a province all of your own. And will you accept it and protect it?

A Yes, sir.

Q If, after you have heard all the facts in this case, should you become a member of this jury, and you come to that con-

clusion or you arrive at an abiding conviction that the State has failed to convince you beyond a reasonable doubt of Sam Sheppard's guilt, would you hesitate in joining with your fellow jurors in returning a verdict of not guilty?

Do I make myself clear?

A No. Will you repeat that, please?

Q If the State fails to convince you beyond a reasonable doubt -- that is the burden of proof that is required, and that is incumbent on the State to satisfy you beyond a reasonable doubt -- should they fail to convince you beyond a reasonable doubt of this young man's guilt, would you hesitate to return a verdict of not guilty if the Court told you that that was your obligation as a juror?

A I would be willing to return a verdict of not guilty, yes.

Q You would be willing to?

A Yes.

Q Now, when we talk about facts, if you, as a juror, have been given all the facts in this case, and then it becomes the Court's duty and the Court's responsibility to give you the law applicable to the facts, and after a discussion with your fellow jurors that inquire into the entire over-all factual picture woven into the legal applications that his Honor, Judge Blythin gives you -- after all this discussion, and you are still of the opinion, Mrs. Mancini, you, as an individual, are still of the opinion that the State of Ohio

has failed to convince you beyond a reasonable doubt of this young man's guilt, would you still be willing to return a verdict of not guilty?

A No, sir.

157 Q You mean that you would stick by --

A The way I felt.

Q The way you felt?

A Yes.

Q And that if you felt that the State had not proven his guilt beyond a reasonable doubt, you would stick to that theory, is that right?

A Yes, sir.

Q You would stick to that theory regardless of whether you are in the majority or whether you are in the minority, is that right?

A Yes, sir.

Q Thank you. Now, when we talk about issues, Mr. Mahon delved into that subject, and he covered it somewhat thoroughly, but I'd like to just go over some of the steps, with your patience. We get down to the indictment that was returned in this case. This indictment was returned by the Grand Jury of our county. Now, if the Court says to you, Mrs. Mancini, that the indictment raises no presumption of guilt as to Sam Sheppard, will you follow that theory of law? Well, let me put the question this way: Because there has

been an indictment returned, do you think that there is any presumption of guilt as far as Sam Sheppard is concerned now?

A No, sir.

Q The indictment -- you will treat it only as an instrument that apprises this young man what he stands charged with?

A May I ask something?

Q Sure.

A You mean, in other words, because there is an indictment against him, that I should presume he is guilty?

Q Would you presume he was guilty just because there is an indictment against him?

A No, sir; no, sir.

Q You then subscribe to the theory of law that as Sam Sheppard sits there behind Mr. Petersilge and in front of Mr. Corrigan, Jr., that he is presumed to be innocent, is that right?

A Yes.

Q When you look at him, you are satisfied under the law that he wears the robe of presumption of innocence, is that right?

A Yes, sir.

Q Now, the Court will say to you, Mrs. Mancini, that throughout this entire trial, the presumption of innocence remains with him, and with those instructions given to you by his Honor, Judge Blythin, will you follow them as such?

A Yes, sir.

Q The indictment relates the charge of first degree murder. So that we may have a better understanding -- maybe I should have explained this to you before I ask you the question: Before an indictment is returned, there is presented for the Grand Jury's consideration witnesses, and they tell their story. If we could picture these ladies and gentlemen as a Grand Jury, those witnesses go in and tell their story. They are examined by a member of the Prosecutor's office. They tell what they know about, in this instance, the case of the State of Ohio versus Sam Sheppard, and after the Grand Jury hears their stories, hears their testimony, they return an indictment, and that is what was done in this case. However, those witnesses are only persons who are given the opportunity of telling their side of the story by the prosecution. Do you follow me?

A Yes.

Q Sam Sheppard was never afforded the privilege to go in and tell his side, nor was he ever given the opportunity of taking any of his witnesses before the Grand Jury to tell what they knew about this case, so it became a one-sided hearing, and it is because of the fact that it is a one-sided hearing that under no circumstances, and at no time, are you ever to consider this instrument that you will have with you in your jury room when you start to deliberate, as evidence,

and the Court will tell you that it never becomes evidence, and you do subscribe to that rule of law as a result of what I told you of how the indictment is brought about, is that right?

A Yes.

Q Now, in this indictment, Mrs. Mancini, Sam is charged with, on the 4th day of July, that he unlawfully, one; purposely, two; of deliberate and premeditated malice -- there are four distinct elements that are contained in that indictment, each one standing on their individual structure. The Court will say to you, and he will say to all these other persons, that the State of Ohio must prove each and every one of those things that I have just read off to you by evidence that convinces you beyond a reasonable doubt. Will you follow that theory of law?

A Yes.

Q And should the State fail in their endeavor to convince you by proof beyond a reasonable doubt of each and every one of those things that I have read off, would you under those circumstances hesitate in returning a verdict of not guilty?

A No, sir.

Q Along those lines, the Court will say that if the State should prove to you number one, number two, number three, and then fail on number four, he says to you, Mrs. Mancini, that under that descriptive picture that you gather by the

evidence that will be given to you that it would be your duty as a juror to vote a verdict of not guilty, you would follow those instructions, would you not? If three out of the four were proven, and the fourth was not proven, and the Court tells you that it is the law that they must prove all four, and if they don't prove all four, then you would have to vote not guilty, would you follow that theory?

A Yes, sir.

Q No doubt in your mind about it?

A No. I was just trying to follow that through.

Q But you understand it now?

A Yes.

Q And there is no doubt in your mind but what you would subscribe to that rule of law, is that right?

A That's right.

Q When we talk about burden of proof, we talk about the degree of evidence that is necessary to convince you beyond a reasonable doubt. Judge Blythin will read you the statutory definition of reasonable doubt. Will you follow the definition that he gives you?

A Yes, sir.

Q And you do understand that the burden never switches from this side of the table to the other side, that it is always their responsibility to prove to you by that degree of evidence? You understand that theory in law?

A Yes.

Q The State -- it is incumbent upon them at all times, and the Judge will tell you that, and you will follow that, is that correct?

A Yes.

Q Now, you made some mention, Mrs. Mancini, about a doctor.

A No, I don't believe I did.

Q Oh, I think it was maybe the previous one. I'm sorry.

Now, we will have police officers testify in this case. Do you know anybody that is connected with the Police Department, any member of your family, or relative of Mr. Mancini or relatives of your mother?

A No, sir, not that I can think of.

Q Do you know James MacArthur? He is the head of the Detective Bureau?

A No, sir, I don't.

Q If he was called upon to testify in this case as an inspector of the Cleveland Police Department in charge of the Detective Bureau, would you, because of that fact, give his testimony greater consideration than you would a layman?

A No, sir.

Q You'd measure the layman's testimony with the same yardstick that you would measure his?

A Yes, sir.

Q And you wouldn't permit yourself to be impressed with his

title as Inspector, would you?

A No, sir.

Q Or that he is connected with the Police Department of the City of Cleveland?

A No.

Q If you will be called upon to consider the testimony of doctors who are connected with the Coroner's office -- Dr. Gerber, do you know him?

A No, sir, I don't.

Q Dr. Adelson?

A No, sir.

Q Sunshine or Dr. Chamberlain?

A No, sir.

Q And there is a young lady there -- I think she lives somewhere out on the east end, her name is Mary Cowan -- do you know her or have you ever had any contact with her?

A No, sir, I haven't.

Q Now, would the fact that they were doctors and associated with the Coroner's office give you the impression that you'd have to feel more kindly toward them that you would doctors who would be brought in here to testify in behalf of Sam Sheppard?

A No, sir.

Q You would use the same fair play yardstick, is that right?

A Yes, sir.

Q And their title and their official office won't impress you?

A No, sir.

Q There was some discussion between Mr. Mahon and yourself about circumstantial evidence, and I think that your interpretation of it was about as clear as any we had around here in the past eleven days, because it came from you who used ordinary language, and sometimes the Judge and we lawyers try to use the language that is expressed in the books, and we don't make ourselves clear.

However, if the Court says to you, Mrs. Mancini, that the rule in the State of Ohio is when reliance for conviction is placed on circumstantial evidence, the facts and the circumstances on which the theory of guilt is placed must be shown beyond a reasonable doubt, and when taken together, when all these facts and circumstances are taken together, the facts and circumstances that make up these links that create in the end result the chain, when they are all taken together, they must be so convincing as to be inconsistent with the claim of innocence and admit to no other answer than the guilt of the accused -- now, the Court will tell you that that is the rule that you are to follow as to distinguishing direct evidence against circumstantial evidence. Will you follow that rule?

A Yes, sir.

Q If he charges you as a matter of law on the proposition of

circumstantial evidence as I have read it to you, and somewhere in this over-all picture one of the links fails to connect up with the balance of the chain, and he says to you in his legal way that should that occur, that under those circumstances, it will be your obligation to return a verdict of not guilty, would you hesitate to follow that theory? Do you understand the question?

A Yes, I do, but I don't know what my answer would be. You are presuming that the case is over and one link didn't meet with the others?

Q After all the facts had been heard and it becomes now your responsibility with these other ladies and gentlemen to go up and deliberate, and somewhere along this chain, these links that make the chain of circumstances there is a breaking point, and the Court says to you that there being no completion of that chain of circumstances that correlate with the definition that he gives you on circumstantial evidence, would you under that descriptive picture hesitate to vote for a verdict of not guilty?

A No, sir.

Q We understand one another on that proposition, do we not?

A I think so.

Q Just one or two more questions, Mrs. Mancini. I believe you said that your mother was a nurse, is that right?

A Yes, sir.

Q Has there ever been any discussion between your mother and yourself about doctors of medicine, doctors of osteopathy?

A No, sir.

Q Do you have any ideas or pre-conceived ideas of who are the better of the two as far as their respective fields are concerned?

A No, sir. I imagine they are equal in both their fields.

Q And you won't, because a man is a doctor of medicine, give his testimony any greater consideration than you would a doctor of osteopathy if he were testifying and could show you that they were both competent on the same subject matter?

A No.

Q If a doctor of medicine testifies on a subject matter as against a doctor of osteopathy, you wouldn't, because he was a doctor of medicine, give his testimony any greater weight than you would a doctor of osteopathy, would you?

A No, sir.

Q You would measure them by the same fair play yardstick that you have indicated throughout the examination, is that right?

159 A Yes, sir.

Q Now, Mrs. Mancini, as you have been told, if chosen, you will become an alternate juror in this case with the possibility that some time during the course of the trial you may be moved into the jury box to the point where you

shall have the right to vote.

A Yes, sir.

Q Because you are now an alternate, you wouldn't be apt to give less attention to the facts that will be presented?

A No, sir.

Q You would pay strict attention to and listen, then, to it with the same attentiveness that you would if you were one of the original twelve?

A Yes, sir.

Q Now, I have asked you a good deal of questions, and Judge Blythin has, and Mr. Mahon has. Now, I ask you to search your conscience, because you are about to accept a responsibility that has never been yours before and probably will never come your way again in your lifetime -- if you are chosen as a juror in this case, and you will be called upon to determine the guilt or innocence of Dr. Sam Sheppard who is charged with murder in the first degree, you, if you are chosen as a juror in this case, will take with you into this jury box the authority under the law to destroy the life of a fellow citizen; do you think that you can accept that responsibility?

A I believe I could.

Q Are you certain that you can?

A Yes.

Q And with that in mind, can you enter into this contest and

leave all personal feelings aside, any ideas that you may have had prior to the time that you were called as a juror, leave aside all the opinions that have been expressed to you, and deal with that young man fairly and impartially?

A Yes, sir.

Q And give him the same kind of a trial that you would want yourself to have or some member of your family to have if, by the grace of God, they sat there and he sat in this jury box?

A Yes, sir.

MR. GARMONE: Thank you. That is all, your Honor, at this time.

THE COURT: The State has a challenge.

MR. MAHON: The State is satisfied with this juror, if your Honor please.

MR. CORRIGAN: We pass the juror.

THE COURT: You pass for cause, and you pass peremptorily?

MR. CORRIGAN: Pass peremptorily.

THE COURT: Do I understand that you have no peremptory?

MR. CORRIGAN: We have no peremptory, no.

THE COURT: You have no peremptory?

MR. CORRIGAN: No peremptory.

THE COURT: Mr. Hansen, will you be kind enough to come up here, and will you step up here, please, Mrs. Mancini?

(Thereupon Mrs. Mancini and Mr. Hansen were sworn as alternate jurors.)

THE COURT: Ladies and gentlemen, we will have a few minutes recess at this point, and will you please observe the caution which the Court has expressed to you, do not discuss this case, not even among yourselves, or with anyone at all. We will have a few minutes recess.

(Thereupon a recess was taken.)

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