

Thereupon ELLIS HUGHES, being first duly sworn, was examined and testified as follows:

EXAMINATION OF PROS. JUROR ELLIS HUGHES

By the Court:

Q Do I understand your name is Ellis Hughes?

A Right, sir.

Q You live at 15717 Chatfield Avenue?

A 15717 Chatfield.

Q Are you a married man, Mr. Hughes?

A Yes, sir.

Q Who constitutes your household?

A I do, sir, with my wife, and I have a daughter 10 years old.

Q How old is your daughter?

A 10 years old.

113 Q How long have you lived on Chatfield Avenue?

A 10 years in that house.

Q Are there any other members of your household beyond your wife, yourself and daughter?

A No, sir.

Q What is your occupation or profession?

A I am manager of the P. F. Collier & Son Corporation, Public Square Building. Collier Magazine.

Q They are the electricians?

A No. Publishers, magazine and book publishers.

Q Oh, that Collier's. Too many Colliers. And you are located here in Cleveland all the time?

A Yes, sir. 510 Public Square Building.

Q And how long have you held that position?

A Well, I have been with the company 27 years, and I have been in this position about 16, outside of one year in the service.

Q I take it that you were here a week ago last Monday morning and heard these good people around the table here introduced. Do you know any of them?

A No, sir, I do not. I don't know any of them personally. I have seen in a club that I go to, Mr. Fred Garmone, but I never talked to him.

Q You just know them as being people who are known by many people?

A By name, you might say.

Q And I will ask you if you know the County prosecuting attorney, Mr. Frank T. Cullitan, or any member of his staff?

A No, I do not.

Q Or the Sheriff or any member of his staff?

A Not personally, no, sir.

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

A No, sir.

Q The Coroner. Are there any members of your family -- and by that I include your wife's, if I may -- any members of

your family who are members of a police department or a law-enforcing agency anywhere?

A No, sir.

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


A No, sir.


Q You understand that the function of a jury is to sit here and to listen to the evidence without regard to who gives it and the instructions of the Court as to the law, and weigh the evidence and be guided entirely by those in arriving at a decision? You understand that?

A Yes, sir.


Q And do you understand, also, that even though a witness have a high office, be a professional man, be a police officer, that his testimony is to be weighed on the same basis exactly as the testimony of any other witness?

A Yes, sir.


Q I am assuming that you heard of this Sheppard case? 

A Oh, yes, I have. 

Q And by what means?

A Well, I have talked about it with friends. I have read it in the papers. I have followed it very closely. 

Q And you heard radio and television comments?

A Yes, sir, I have. 

Q As a result of what you heard or read or discussed, have

you formed any opinion as to the guilt or innocence of Sam Sheppard?

A Yes, I have. I formed opinions on it, but I have -- I have formed opinions, but I have also had an open mind. ✓

Q And do you entertain an opinion now?

A Well, no. I say I have formed an opinion, but I have always had an open mind. ✓

Q Could you right now, in spite of any opinion or opinions that you had at any time entertained, could you right at this moment, without any evidence whatever, disregard that opinion or opinions and start here from scratch to consider only the evidence and the law applicable?

A I could, sir.

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

MR. CORRIGAN: Objection.

THE COURT: Overruled.

A Well, no, I have no objection to capital punishment.

Q Have you since the 4th day of July of this year received any communication of any kind from anybody that could possibly be directed toward the matter involved here?

A Well, I received that one letter.

Q Have you got it with you?

A Yes, sir.

THE COURT: I say to you gentlemen,

it is exactly the same.

Q Do you know who sent you that?

A No, I do not, only from what I have read in the newspapers.

Q And do you have any idea that the Sheppard family or any of their friends had anything to do with it at all?

A No. I wouldn't know about that at all. I wouldn't think so.

Q Well, I will state to you that we know around the table here who sent it, and that the Sheppard family and their friends had absolutely nothing to do with it, so that we can forget it from that standpoint.

I will ask you if, as a result of receiving that communication, your judgment would be affected in any way, shape or manner?

A None whatever.

Q Now, both sides of this trial table are asking only for a fair and impartial jury. Do you believe that you could serve here on the basis of what you have heard as to what this case is about now, and without regard to any opinions that you have entertained in the past, and be a perfectly fair and impartial juror?

A Yes, I feel I could.

THE COURT: That gentleman is Mr.

Danaceau, the assistant County prosecuting attorney, one of the assistant County prosecuting attorneys.

EXAMINATION OF PROS. JUROR ELLIS HUGHES

By Mr. Danaceau:

Q Now, Mr. Hughes, you stated to Judge Blythin that you have followed this case quite closely in the newspapers?

A Yes, I have.

Q And that at times you have formed an opinion?

A Yes, sir.

Q Now, you also stated that you could set that opinion aside and take one of the chairs in the jury box and totally disregard it?

A Yes.

Q You could obliterate entirely from your mind anything and everything that you have read?

A Oh, yes, anything on this, I would definitely judge it with an open mind, but I admit that I have formed opinions on it. I have talked about them.

Q Would you carry that opinion or any information that you may have read into the jury box?

A I certainly would not.

Q You appreciate, of course, that this case is to be tried in this courtroom, and the evidence presented to the jury solely from the witness stand and nowhere else? You understand that, sir?

114 A Yes, sir.

Q ~~And that anything that might have appeared in the newspapers~~

or anywhere else is to be totally disregarded?

A Yes, sir.

Q You are also to totally disregard anything that might occur in this courtroom apart from the testimony of the witnesses. For example, the lawyers frequently make statements and argument during the proceedings. You won't consider anything that the lawyers say as evidence in this case, will you?

A No, sir.

Q If, for example, Mr. Mahon or Mr. Parrino or I should say that in our opinion Sam Sheppard is guilty, or that we have investigated this case and we believe him guilty, that is not evidence, is it?

A No, sir.

Q And you would totally disregard any such statement if it was made?

A Yes, sir.

Q And, similarly, if Mr. Corrigan and Mr. Garmone and Mr. Petersilge or Mr. Corrigan, Jr., should say that they believe him not guilty, or they have investigated this matter and they say he is not guilty, you will not consider that as evidence, will you?

A No, sir.

Q You will totally disregard that, will you not?

A Yes, sir.

Q And give no consideration to it whatever, to statements on

either side of the table?

A No, sir. I would weigh the evidence the way that I --

Q What the lawyers say isn't evidence.

A No.

Q Now, this case, as in all criminal cases, starts with an indictment. An indictment is presented by the Grand Jury. The Grand Jury consists of 15 persons who hear only one side of the case. That is true in all cases, not only in this case, and so an indictment is merely a charge and nothing else. It is not evidence. You understand that, sir?

A Yes, sir.

Q And it carries no indication whatever of the guilt of the defendant. You understand that, too, do you not?

A Yes, sir.

Q And that, on the contrary, under our law, a person who is charged with a crime in this case and in all cases is presumed to be innocent, and that presumption stays with him during the trial until such time as the State proves his guilt from that witness stand by evidence that convinces you of his guilt beyond a reasonable doubt. You understand that, sir?

A Yes, sir.

Q Now, in order to prove our case, and for the defendant to present his case, witnesses are brought into the courtroom and they are put under oath, and they take that witness

stand and they testify. It is the job of the jury to decide where the truth lies. That is exclusively their job. The jury gets the law from Judge Blythin. We all get the law in this case from Judge Blythin, and nowhere else. You understand that, sir?

A Yes, sir.

Q Now, in searching for the truth, which is the job of the jury, you have to evaluate the testimony given by the witnesses. In other words, you have the right to believe any witness or to disbelieve any witness, or to believe part of what a witness testifies to and to disbelieve the rest. You understand that, sir?

A Yes.

Q And you are to use your own experiences in life to determine whether the witness is telling the whole truth and nothing but the truth.

Now, in evaluating what a witness testifies to, sir, the Court, Judge Blythin, will give you certain rules, certain guides, standards by which you are to evaluate the testimony of these witnesses. I will indicate some of those rules and ask you whether or not you will follow them.

One rule for a juror to use in evaluating the testimony of a witness is:

Is the story that the witness is telling a reasonable one, a probable one? And if so, you may give greater weight

to it, and if, on the contrary, it is unreasonable or improbable, then you need not give great weight to it. Do you understand that, sir?

A Yes, sir.

Q Another rule for you to consider is the interest that the party may have that is testifying. In other words, if a witness has an interest in the outcome of the case, is not disinterested, he wants one side to win, he has a personal interest in the case, that is a matter for you to consider. You understand that, sir?

A Yes, sir.

Q Another rule is: What opportunity did the witness have to know the facts about which he is testifying? In other words, was he in a position to know what he is talking about, what he is testifying to? That is a guide that you may use. You understand that, sir?

A Yes, sir.

Q And you will apply to the testimony of the witnesses these various guides and such other guides as Judge Blythin may give you to use, will you not, sir?

A Yes, sir.

Q Now, the evidence that is produced may be direct evidence -- you understand what that is -- or circumstantial evidence. You understand what that is, sir?

A Yes, sir.

Q And the Court will instruct you that both types of evidence are admissible and may be considered by the jury, and the Court will further instruct you as to the guides that you may use in considering direct evidence and circumstantial evidence. You will follow the Court's instructions in that respect, will you not?

A Yes, sir.

Q In this case, sir, the defendant was charged with murder in the first degree, and I believe you have testified, in response to Judge Blythin's questions, that you are not opposed to capital punishment, is that correct?

A That's right, sir.

Q If, at the close of this case the State has not proved the guilt of the defendant by evidence that convinces you beyond a reasonable doubt, you will, of course, vote for a verdict of not guilty, will you not?

A Yes.

Q Now, if, on the other hand, the State does prove the guilt of the defendant, Dr. Sam Sheppard, by evidence that convinces you of his guilt beyond a reasonable doubt, will the knowledge that unless the jury recommends mercy prevent you from voting for such a verdict of guilty because it would carry with it the penalty of death?

A That was kind of a long question. I think I know the answer, but I'm not --

Q Well, let me rephrase it, then. I did probably make it a little too long and get a little involved. We have been asking this same question so often that we sometimes lose ourselves in asking the question.

If a jury brings in a verdict of guilty of murder in the first degree, it has the right under our law to recommend mercy, in which case the death penalty would not be imposed. If the jury does not recommend mercy, then the Court must, under our law, impose the penalty of death. Do you understand that, sir?

A Yes, sir.

Q Now, if the State does prove its case by the degree of proof that is required under the law, and a proper case is made, and the jury decides not to recommend mercy, could you join in a verdict that would carry with it the penalty of death?

A Well, I could, but the circumstantial evidence would have to be beyond any doubt to get my vote on that.

Q The evidence would have to convince you beyond a reasonable doubt?

A Yes, sir.

Q Well, that is the law, sir.

A Yes, sir.

Q Do you have any deep prejudice against circumstantial evidence?

A No, I do not.

Q You will consider it under the rules laid down by the Court as you will consider other evidence?

A Yes, sir.

Q And if, at the close of this case, upon consideration of all the evidence, both direct and circumstantial evidence, you are convinced of the guilt of the defendant of the crime charged beyond a reasonable doubt, you will not hesitate to return a verdict of guilty?

A No, I wouldn't hesitate to return a verdict of guilty if I thought it was convincing.

Q And if you are not convinced, you would return a verdict of not guilty?

A Right, sir.

Q Now, I also recall that you stated that you had met Mr. Garmone at a club.

A Well, I did -- I have never met him in my life. I have just seen him. I have never talked to the gentleman.

Q What club was it?

A Sidney Hill Club.

Q That is a health club?

A Health club.

Q In the Hollenden Hotel?

A That's right. I have seen him before that at clubs, at the other place, too.

Q You just happened to see him there?

A I just happened to see him there.

Q You do not know him personally?

A I do not know him personally at all. I have never talked to the gentleman. I have spoken to him just like I would speak to anyone else that I'd meet that I would recognize a person but didn't know them socially.

Q Do you know of any reason at all why you could not sit in this case as a fair and impartial juror and decide this case solely on the basis of the law that Judge Blythin will give you and the evidence that you will receive from the witnesses in this case?

A Well, I don't know, sir. I don't have -- I don't know of any reason. I don't know just how many reasons you have to have. From what you ask me, I can see of no reason why I wouldn't be eligible, but I'd just as soon not.

MR. DANACEAU: I heard that once before today.

THE COURT: Can you give him a direct yes or no answer to that?

PROS. JUROR HUGHES: Well, it is just personal.

Q We recognize, sir, that you are not anxious to serve.

A No.

Q But both sides in this case are asking these questions, which may seem personal, and --

A Well, I'll --

Q We ask them not because we particularly want to get personal. Both sides are trying to get 12 jurors who will hear this case on the evidence in court, on the law given by Judge Blythin, and nothing else, and I take it that you know of no reason why you cannot be a fair and impartial juror?

A No. The main reason that I wouldn't like -- that I might -- that I ~~should~~ be disqualified is because I happen to know a very close friend of the Sheppard family, Paul Roach, and I have talked with him very much about it, but it's been an open talk, nothing that I'm ashamed of. I have voiced my opinion with him openly, of course, and never known that I was going to be on a jury, of course, and be on the panel, but it's one of those things.

Q Was your discussions with Mr. Roach -- by the way, where is Mr. Roach's office?

A It is in the Standard Building, I believe. We have lunch at Stouffer's, and I have had lunch with him a great number of times in the last several years.

Q What business is he in?

A Insurance business, but that is the only -- that's one of the main reasons --

Q What building did you say he is in?

A I think it is the Guardian or the Standard -- I think it is the Guardian Building. One entrance is on Vincent.

Q National City Bank?

A National City Bank, or one of those buildings in there.

Q You are a personal friend of Mr. Roach?

A Yes. I would consider myself a personal friend.

Q You know, of course, Mr. Roach lives next door to Dr. Steve Sheppard?

A I didn't know it until the next day after this event happened.

Q Do you also know that Mr. Roach has written insurance for all the members --

A I didn't know that until the next day. I knew all that after it happened.

Q But you knew it before you came here?

A I knew it before I came up here now.

Q Would your acquaintance with Mr. Roach embarrass you in any way in sitting in a jury in this case? Is that why you say you would rather not serve as a juror?

A Well, it wouldn't -- I wouldn't say the -- I wouldn't say that it would embarrass me too much, but --

Q Is that one of the main reasons why you -- I thought you were through. Anything else?

A As I say, I have talked with him at great length about it before this trial came up, before we were summoned, and I have talked to him about it, and being that he is a next door neighbor of one of the Sheppard family, I just --

MR. DANACEAU: If the Court please,
the parties have consented to excusing -- Mr.
Corrigan has consented and we agree to agree to
excuse this particular juror.

THE COURT: You will be excused. ✓

(Thereupon Prospective Juror Ellis Hughes
was excused.)

THE COURT: Ladies and gentlemen
of the panel, we will have a few minutes' recess
at this point, and will you during the recess be
careful not to discuss this case or any matter
connected with it, not even among yourselves.

(Thereupon a recess was taken.)