

THE BAILIFF: Mrs. Koch, please  
be seated in the witness box.

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THEREUPON, NORMA B. KOCH, a member  
of the prospective jury panel, having been  
previously sworn, was examined and testified  
on voir dire as a possible alternate juror,  
as follows:

THE COURT: Good morning,  
Mrs. Koch.

MRS. KOCH: Good morning.

THE COURT: Is that the correct  
pronunciation of your name, Mrs. Koch?

MRS. KOCH: Yes.

THE COURT: You spell it  
K-o-c-h?

MRS. KOCH: K-o-c-h.

THE COURT: Mrs. Koch, are you  
a little nervous?

MRS. KOCH: Not too much.

THE COURT: That's good. Mrs.  
Koch, you have been summoned as a prospective  
alternate juror in this case. Alternate jurors  
must be just as attentive as the twelve that  
have been seated, because it is possible that

one of the twelve that have been seated will be unable to complete their service as a member of the deliberating panel when this case is finished, so I am sure you will be just as attentive to the questions that Counselors will put to you now touching upon your qualifications to serve as a juror in this case.

In answering the questions that will be put to you, Mrs. Koch, bear in mind that Mr. Romito must report your responses, and each person in the room must hear your responses, and also in making your answers you will have in mind that you are under oath; do you understand that?

MRS. KOCH: Yes, I do.

THE COURT: Counselor Corrigan  
or Spellacy?

VOIR DIRE EXAMINATION OF NORMA B. KOCH

By Mr. Corrigan:

Q Will you state your full name, please?

A My name is Norma Koch.

Q Beg pardon?

A Norma Koch.

Q Where do you live?

A 314 East 195th Street, Euclid, Ohio.

Q How long have you lived at that address, Mrs. Koch?

A For twelve years.

Q Where did you live before living there?

A At 1027 East 140th Street.

Q And is that in the city of Cleveland?

A Yes.

Q Do you have a family, Mrs. Koch?

A Yes, I have two sons.

Q What are their ages, please?

A They are twelve and fourteen.

Q What type of employment is Mr. Koch engaged in?

A He is comptroller of Lynn Foods Corporation. That is a pie bakery.

Q How long has he been so employed?

A For the past two years.

Q What did he do prior to working there?

A He was an auditor for Eaton Manufacturing, Eaton-Yale and Towne.

Q Will you keep your voice up so that the people in the back of the room can hear you, and if they can hear you all of us can hear you.

A Yes.

Q Are you engaged outside of the household in any employment?

A In the past couple of months I have done a couple of

temporary assignments for Truman Girls, a couple of days a week.

Q What type of work is that?

A Stenographic work.

Q For whom do you work in your stenographic work?

A Oh, this -- this is temporary assignments where I have been sent out to a couple of different offices to help out.

Q Do you work for attorneys?

A I haven't been sent to any attorneys, no.

Q Where did you live in 1954, Mrs. Koch?

A At my present address.

Q In 1954 did you have occasion to read about the Sheppard case?

A Yes, I did. I read the first articles about it. I did not follow the trial, but I did read about it.

Q Did you hear on the radio and television reports of the Sheppard case?

A I don't recall hearing on the radio, and we did not have a television set at that time.

Q Did you have occasion to read anything other than newspapers, perhaps a magazine or a book?

A I never have read a book about it, and I don't recall reading it in any magazine.

Q At the time that you read something about it, did you have occasion to formulate an opinion one way or another,



answer that yes or no, if you will, please?

A No.

Q Have you had occasion to talk with other people about the Sheppard case?

A I have talked with other people. I have heard about it.

Q And has Mr. Koch, for example, have you and he talked about it?

A Yes, we have.

Q Has he expressed an opinion to you?

A Yes, he feels the same --

Q Have others that you have talked with, have they expressed opinions to you?

A Yes.

Q In some measure were these opinions persuasive?  
Answer yes or no.

A No.

Q Do you know anybody connected with the Prosecuting Attorney's Office?

A No, I don't.

Q Or do you have any law-enforcement people among your relatives or close acquaintances?

A No, sir.

Q Do you know anybody on the defense side of the table, Doctor Sam Sheppard, or his counsel, Mr. Sherman or Mr.

Bailey?

A No, sir.

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

A I have a general idea.

Q Do you know anybody connected with that hospital?

A No, I don't.

Q Judge Talty will tell you that in a criminal case every defendant is presumed to be innocent unless and until proven guilty beyond a reasonable doubt by the State of Ohio.

If he so tells you and instructs you, will you be able to follow that instruction, Mrs. Koch?

A Yes, I will be able to.

Q Looking at the people that are now in the jury box, do you know any of those people?

A No, I don't.

Q If you are selected as an alternate juror, and ultimately become a juror, and the time arrives where the jury will be charged with the responsibility of deliberating this case, would you be able to join with your fellow jurors and discuss fully and completely with them all of the testimony and the evidence as you determine it to be, would you be able to do that?

A Yes, I would be able to.

Q Would you be able to do that with the view in mind of arriving at a fair and just verdict, fair to both the

State of Ohio and the defendant in this cause?

A Yes.

Q Judge Talty may instruct you -- and I anticipate that he will -- that there are several kinds of evidence.

There is direct evidence, that which we perceive by our senses, we feel, we touch, we hear, we smell, and then there is circumstantial evidence, that conclusion that we arrive at reasonably from a certain set of facts.

If Judge Talty instructs you that circumstantial evidence properly proven is just as good as direct evidence, will you be able to follow that instruction of the law?

A Yes.

Q Do you recall any of the details that you read in the paper back in 1954, just yes or no?

A Yes.

Q Would you be able to put those details out of your mind completely, and render your decision predicated only on that which you hear in this courtroom?

A Yes, sir.

Q Have you had occasion to read or hear anything on radio or see anything on television about this case since 1954?

A Very little.

Q Would that which you have seen or heard or read, would that influence your judgment one way or another, if

you are selected as a juror in this matter?

A No, it would not.

MR. CORRIGAN: Pass for cause,  
your Honor.

THE COURT: Counselor Bailey?

VOIR DIRE EXAMINATION OF NORMA B. KOCH

By Mr. Bailey:

Q Mrs. Koch, I think you said you followed some news accounts of this matter prior to but not during the last trial, is that correct?

A Yes.

Q Were you living in Cleveland during the trial itself?

A Yes.

Q And were you a subscriber to any local newspaper at that time?

A Yes, we were subscribing to the paper.

Q Which paper, please?

A The Plain Dealer or the Press. At that time, I don't remember which one it was.

Q Have you discussed this matter recently with Mr. Koch?

A Yes.

Q How recently?

A In the past week or so.

Q In the past week or so?



A Yes.

Q You had some talk about this case?

A Yes.

Q Did you have some talk about the notion that you would be questioned here as a prospective juror?

A Yes, when I received my notice I realized it was the same date as this trial.

Q Did you review with him what the two of you could remember about the original case?

A No, we did not.

Q You say that you did not remember which newspaper; I take it, did you discuss that paper with him, which paper you subscribed to?

A No, I didn't go back over that.

Q Then it was either the Plain Dealer or the Cleveland Press upon which you relied for your information principally?

A No, I'm not.-- I don't understand your question. I am sorry. I am sorry.

Q Let me rephrase it. You have no personal knowledge of anything about the

Sheppard case, do you?

A No.

Q So that any information that came to you, came through the public media, the news media, is that right?

A Yes, sir.

Q And through hearsay, from friends and neighbors and general talk?

A Yes.

Q Now, the newspaper from which you drew such facts as you did read the newspapers, was either the Plain Dealer or the Cleveland Press, is that correct?

A Yes, sir.

Q And during the latter half of 1954, you were a daily subscriber to one of those papers?

A Yes.

Q Do you remember whether or not you received the Sunday paper in connection with this subscription?

A Yes, I did.

Q Did the Cleveland Press have a Sunday paper back in 1954?

A No.

Q Now, do you recall some front page headlines that came to your attention as the proceedings were on?

A I recall the front page the first day this appeared in the papers, this is all I recall.

Q Do you recall any further front page stories in connection with the Sheppard case?

A No, I don't.

Q Do you recall seeing any pictures of Doctor Sheppard in the paper?

A I don't believe so.

Q Do you remember any accounts of how the investigation was progressing and what the various police officers thought, and so forth?

A No, this I don't remember.

Q Do you remember reading any editorials in connection with this case?

A No, I don't.

Q Now, you say that Mr. Koch at one time expressed an opinion?

A Yes.

Q Was that at the time of the initial arrest and trial that he first expressed it to you?

A No.

Q It was not?

A No.

Q Can you recall when you first heard your husband give his thoughts on this matter, just the day?

A Actually, I really can't say. I did discuss it with him, as I said, last week. But -- do you want me to say what his feeling is, because --

Q No.

THE COURT:

Excuse me, Counselor.

That is what we don't want you to say.

MRS. KOCH:

What you don't want,

that is what I thought.

Q You had some talk last week and he expressed an opinion in the case?

A Yes.

Q You understand I am not inquiring as to what the opinion was?

A Yes.

Q Just the fact that it was expressed?

A Yes.

Q That wasn't the first time that he ever expressed an opinion to you?

A I don't recall. We just haven't talked about this very much.

Q Has it ever been mentioned in the family prior to last week, if you recall?

A Possibly back, way back in 1954, '55, when it was in the papers, but --

Q Do you remember having any impression back at that time as to what your husband's feeling was one way or the other?

A No, I don't.

Q You don't remember?

A I don't remember.

Q Did you talk with other people about the case?

A I recall talking with a neighbor about it.



Q All right. Did the neighbor express an opinion? Just yes or no?

A Yes.

Q Did the neighbor solicit your opinion, what you thought of the entire matter?

A Yes.

Q And did you respond to that solicitation?

A Yes.

Q Did you give an opinion?

A Yes, I did.

Q Now, was this before, during or after the trial?

A After the trial.

Q After the trial?

A Yes.

Q Has anything happened since that conversation to change or alter your opinion?

A No.

Q Are you aware of any subsequent developments in the case after the first jury verdict came back in 1954?

A Yes, I am.

Q You learned through some source of information that Doctor Sheppard had been released by court order?

A Yes.

Q And did you learn earlier this year about the ruling of the United States Supreme Court as to his first trial?

A Yes, I did.

Q If the Court finds it necessary he will instruct you that the entire chain of proceedings, including the first trial, all of the appeals, and the suits and writs and orders, everything you may have read about it, culminating with the decision of the highest court of our land, has operated to render void, that is meaningless, in law and in fact all of the first trial, and the fact that a jury did something in that case is not to be considered by you as a juror in this case; now, do you think that you can accept that instruction of Judge Talty, and accept the fact that all of these prior proceedings are void and defective?

A I believe I could.

Q Having in mind what you know about the case and what you have read, do you have any difficulty in looking at the defendant Doctor Sam Sheppard and according him the presumption of innocence?

A No, I do not.

Q If in the course of this trial you should be seated as a juror, Mrs. Koch, and there should come to mind because of the evidence coming out, some information that you heard somewhere about the case which does not come out in the evidence here, but has arisen in your recollection, you are instructed that all such information from whatever source, other than this courtroom, during this trial, is to be

completely disregarded by you as unreliable and of no weight whatsoever, do you think you can follow this instruction and decide the case on the evidence here, and without regard to any extrinsic information, do you feel that you can?

A Yes, I believe I can.

Q The burden of proof in this criminal case is on the State of Ohio, as you have been told, and will be told again, and you will be told that any failure of proof, that is, if nothing is proved, must militate to the benefit of the defendant, and you must acquit him?

MR. CORRIGAN: Objection.

THE COURT: Objection sustained.

Q If the Court instructs you that the defendant has no burden of proof whatsoever, no burden to rebut that which the State presents, and the fact that he does not come forward with any proof is not to be held against him by you and not to be considered as any indication of guilt, do you think that you could abide by that instruction, and decide the case without weighing in the course of all the events the silence of the defense?

A Yes, I think I could.

Q Now, the State of Ohio may present evidence that Marilyn Sheppard was killed in 1954 in her own home, in the night time, and that Doctor Sheppard was present in or

about the house at that time.

If this happens, and the defendant himself, Doctor Sheppard, does not take the witness stand to testify, and explain to you what he may know of this whole affair or give you his story, the Court will instruct you that he has a constitutional right to remain silent, and that it does not count against him, that is to say, his silence, and that you as a juror in assessing the facts of this case, and the proofs, may draw no inference whatever from his silence, that you may not consider that any manifestation of his guilt, or that he is hiding something.

Do you feel you can follow that instruction of law and not count against the defendant one iota the silence that may appear on his part in the course of the trial?

A I believe so.

Q Do you believe you can?

A Yes.

Q Do you think you would have any difficulty in applying that instruction?

A No, I don't think so.

Q Now, Mrs. Koch, if the defendant should decide to testify, you will find that he has a right to testify or remain silent, but if he should decide to testify and give you some facts about the case, and the Court tells you that simply because he is a defendant is no reason that he is



not worthy of belief in and of itself, do you think you can approach and evaluate the testimony of the defendant Sam Sheppard on the same plane as you evaluate the testimony of all other witnesses, however disinterested, and be as ready and as willing to believe him as any other witness, can you do that?

A I believe I can.

Q If a police officer gives some testimony in this case which is contradicted someone having no official status or connection, would you be more inclined to believe the police officer just because he is a police officer, or would you approach them both equally?

A I would approach them both equally.

Q And in a similar vein, if the Coroner of this county gives some medical opinion which is contradicted by some private practitioner, who is also a doctor but not an official, would you be able to regard their testimony on an equal basis and not give more weight to the Coroner just because he is the Coroner, would you be able to do that?

A I believe so.

Q Would you have any difficulty in doing it, in other words, do you feel inherently that the coroner is more likely to be giving a good opinion?

A No, I do not.

Q If the Court instructs you that the burden being upon

the State to prove the guilt of the defendant beyond a reasonable doubt, any failure of proof to rise to that level where you are satisfied beyond a reasonable doubt, must be resolved in favor of the defendant, do you feel you can abide that instruction and apply it in your deliberations in this case?

A Yes.

Q And you can accept that rule of law?

A Yes.

Q Mrs. Koch, as a juror you will be the sole judge of the facts in this case, to decide who to believe and what inferences may be appropriate from the facts that are proven to your satisfaction.

The sole source of the law, the rules that will obtain, and be applied throughout the case, will be Judge Talty.

And some of those may conflict with what you thought the law was or indeed what you would like it to be.

In that event can you completely set aside any notions, private notions that you may have, or your husband may have expressed to you, as to what the law is or ought to be, and take only the rulings that Judge Talty gives you and apply them conscientiously to this case?

A Yes.

Q If, Mrs. Koch, in the course of deliberations wherein

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you were sitting as a juror, you found that your views were not shared by the majority of your brethren on the jury, but you nonetheless felt after full and complete discussion that your judgment was the correct one based on the evidence that you found, and the law as you had seen to be applied, do you think you would be able to adhere to your own honest judgment, or that you would feel pressured or inclined in any way to vote with the majority just you wouldn't be standing alone?

A I think I would feel compelled to stand on my own judgment.

Q Stick to your guns, all right.

A (witness nods)

Q Are you able to represent to us, Mrs. Koch, that despite anything you may have heard or known, that you are able to come into court today and approach this case in a completely open manner and with an open mind?

A Yes, I can approach it with an open mind.

Q And do you feel that you are in a frame of mind where you can be completely objective and fair and impartial, not only to Doctor Sheppard, but to the State of Ohio?

A Yes, I would want to be impartial.

MR. BAILEY: Thank you. Pass  
for cause, your Honor.

THE COURT: Gentlemen, I believe

that the option is with the State of Ohio.

MR. CORRIGAN: May it please the Court, the State of Ohio is satisfied with Mrs. Koch as an alternate juror.

THE COURT: Gentlemen, the option is now with the defense.

MR. BAILEY: The defendant is satisfied, your Honor.

THE COURT: Mrs. Koch, would you take the chair, please. Before doing that, would you stand, please, stand there and raise your right arm, please.

Do you solemnly swear that if called upon to serve as a member of the deliberating body in this case, that is, a member of a petit jury, that you will well and truly try and true deliverance make between the State of Ohio and Sam H. Sheppard, as you shall answer to God?

MRS. KOCH: I do.

THE COURT: Thank you. Please take the chair next to Mrs. March in the last row.

Ladies and gentlemen of the jury, you are going to be excused now. While you are away from the room you will bear in mind in



detail the instructions given you on each occasion when you leave the room, that is, that you shall not discuss this case or what little you know of it, even amongst yourselves.

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

Mr. Patrick, or Mr. Reed, will you escort the jury from the room, please.

Will you return as soon as you escort them, please.

Gentlemen, Mr. Reed and Mr. Patrick are going to summon now the prospective alternate jurors yet to be selected, and while they are summoning them and bringing them into the courtroom, we will have a recess for whatever period of time is required to bring them in.

However, they are ready and they will be here shortly. So govern yourselves accordingly.

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