

THE BAILIFF: Mrs. Mackenzie,  
will you be kind enough to take the witness  
box.

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

THE COURT: Mrs. Mackenzie,  
good morning.

MRS. MACKENZIE: Good morning.

THE COURT: Mrs. mackenzie,  
will you keep your voice now at a point so that  
each of us in the room can hear your answers to  
the questions that the lawyers will ask of you.

MRS. MACKENZIE: Yes.

THE COURT: You will have to  
keep your voice up, also, so that Mr. Romito can  
record your responses.

He has that duty and responsibility.  
Understand that, do you not?

MRS. MACKENZIE: Yes.

THE COURT: In making the  
responses, your responses to these questions,  
Mrs. Mackenzie, you will remember that you are

under oath.

MRS. MACKENZIE: Yes.

THE COURT: Do you understand  
that?

MRS. MACKENZIE: Yes.

THE COURT: Counselor Spellacy  
or Counselor Corrigan?

VOIR DIRE EXAMINATION OF MARION L. MACKENZIE

By Mr. Spellacy:

Q If it please the Court; for the record, would you  
please tell us your name again?

A Marion Mackenzie.

Q And would you spell your last name, please?

A M-a-c-k-e-n-z-i-e.

Q And your address?

A 13009 Willard Avenue, Garfield Heights.

Q Are you married?

A Yes, I am.

Q Do you have a family?

A Yes, one daughter.

Q Her name and age, please?

A Nancy Jane, sixteen.

Q Your husband's employment, and his name?

A Andrew Mackenzie, Cleveland Transit System.

Q How long has he worked for the Cleveland Transit System?

A Thirty-six years.

Q What does he do for the Cleveland Transit System?

A He is a body man.

Q A body man?

A And maintenance man.

Q Where does he work for the Cleveland Transit System?

A He is at the Reed Garage at 93rd and Union.

Q Has he been at that garage for some time?

A Well, originally on Harvard when they had the garage at Harvard, but since they moved there.

Q Is your daughter in school?

A Yes, a junior in high school.

Q Where does she go to school?

A Garfield High School.

Q Garfield Heights?

A High School.

Q How long have you lived in Garfield Heights at that address?

A At this address?

Q Yes.

A Seventeen years.

Q And did you live in Garfield Heights prior to that?

A Yes.

Q Where in Garfield Heights did you live?

A On Garfield Boulevard, 97th Street.

Q Now, have you had prior jury service, Mrs. Mackenzie?

A No, I haven't.

Q This is your first experience?

A Yes.

Q You understand that this is the case of the State of Ohio versus Sam Sheppard?

A I do.

Q Have you read or heard anything about this particular case?

A Yes.

Q May I ask when you read about this case?

A Well, when it first occurred in 1954.

Q Did you read it in the newspapers?

A I did.

Q Did you read anything other than the newspapers, yes or no?

A No.

Q Have you read any magazines or books?

A No.

Q Have you read anything recently with regard to this case?

A Well, up until two days ago in the newspapers, yes.

Q As a result of having read about, have you formed or



expressed an opinion as a result of what you read? Just answer that yes or no.

A Yes.

Q Have you expressed this opinion to other people? Yes or no?

A Yes.

Q Have other people expressed this opinion, or, expressed an opinion to you?

A Yes.

Q Now, as a result of having formed an opinion and expressed an opinion, would you be able to sit as a juror in this case and set aside that opinion?

A I don't think so.

Q And be fair to both sides?

A I have a definite opinion right now in my mind.

Q So that you could not be fair to either side in this particular case, is that right?

A I don't think so, no.

MR. SPELLACY: Challenge for  
cause, your Honor.

MR. BAILEY: If the record  
may show that I continue my earlier position,  
your Honor, that is sufficient with the same  
rulings.

THE COURT: The State's

challenge for cause is granted.

Mrs. Mackenzie, the Court wishes to express to you its gratitude for your willingness to come and serve as a juror in this cause, if selected, and for the time that you have spent here in this building and waiting call as a prospective juror in this case.

Before leaving the Court instructs you that you must not discuss this case or your opinion in this case that you may have, whatever that opinion may be, with respect to the merits of this case with anyone, including members of your family.

Do you understand that?

MRS. MACKENZIE: Yes.

THE COURT: You will not participate in any interviews, or make any statements until such time, Mrs. Mackenzie, as you have learned for a certainty that a jury in this case has returned its verdict in open court.

Do you understand that?

MRS. MACKENZIE: Yes.

THE COURT: Will you follow those instructions?

MRS. MACKENZIE: I will.

THE COURT: Thank you, Mrs. Mackenzie. You are hereby excused.

May I see Counselors at the bench, please?

(Thereupon Court and counsel conferred at the Court's bench out of the hearing of the jury panel.)

THE COURT: Ladies and gentlemen of the prospective panel, it is just about 10:30, which is just about the point we normally break for the morning recess, and while you are away on your morning recess, ladies and gentlemen, you are hereby instructed that you shall not discuss this case or what little you know of it even amongst yourselves.

You shall not permit yourselves to overhear anything that relates to this case by any means or media of communication.

You shall not permit anyone else to discuss this case with you, and you shall bear in mind the detail of these instructions which have been given to you on other occasions.

We will stand in recess briefly.

(Thereupon a recess was had.)