

MR. CORRIGAN: He never expressed his opinion to you?

PROSP. JUROR FILIMON: Not to me, no, sir.

MR. CORRIGAN: All right.

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Thereupon DOROTHY E. LEE, being first duly sworn, was examined and testified as follows:

EXAMINATION OF PROSPECTIVE JUROR DOROTHY E. LEE:

BY THE COURT:

Q Do I understand your name is Dorothy E. Lee?

A Yes, your Honor.

Q L-e-e?

A Yes, your Honor.

Q And you live at 4646 East 159th?

A Yes.

Q That is south of Miles Avenue. Is it in old Miles Heights?

A Yes, your Honor.

Q And is it Mrs. or Miss Lee?

A Miss Lee.

Q Miss?

A Miss.

Q And who do you live with, Miss Lee?

A My family; my mother and father and two brothers.

Q How long have you folks lived on 159th where you now live?

A Ten years.

Q And we will start with you. Are you employed?

A Yes, I am.

Q What is the nature of your employment?

A I am elevator operator.

Q And where do you operate your elevator?

A At 21st and Payne, in the film building.

Q In the film building at --

A 21st and Payne.

Q 21st and Payne, right across the street here?

A That's right.

Q How long have you been so employed?

A One year and one month.

Q And is your father employed?

A Yes, he is.

Q What does he do?

A He is a mechanic at Keith Weigle Motors. ✓

Q And how long has he been so employed?

A About 20 years.

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

A You mean do I know them personally?

Q Yes.

A No.

Q All right. You qualified it a little bit. Do you know them at all, or do you just know them from seeing their pictures in the papers or something like that?

A Just from last week Monday.

Q And that is as far as you have any acquaintance with any of them?

A Yes, your Honor.

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

A No, your Honor.

Q Or the sheriff or any member of his staff?

A No, your Honor.

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

A No, your Honor.

Q Are there any of your people who are members of a police department or law-enforcing agency of any kind?

A No, your Honor.

Q I take it that you heard of this Sheppard case before?

A Yes, your Honor.

Q And by what means did you hear or did you learn, rather, of it?

A Well, it was in the papers and it happened on my brother's birthday, and so that is what drew my attention to it mostly.

Q That was the 4th of July. ✓

A The 4th of July.

Q And you heard radio comments? ✓

A Well, yes.

Q And have you discussed it with other people or other people discussed it with you? ✓

A Before last week?

Q Yes, before last week. ✓

A Yes, your Honor.

Q Or any time? ✓

A Yes, your Honor.

Q Have any people discussed it with you since you have been in this courtroom?

A No, your Honor.

Q Now, as the result of what you have read or heard or as a result of any discussions you have had, have you formed any opinion at all as to the guilt or innocence of Sam Sheppard?

A No, your Honor.

Q You understand that it is the function of a jury to decide what the facts are, decide whether a man is guilty or not guilty?

A Yes, your Honor.

Q And that it is their function and their duty to weigh all of the evidence in the case carefully and fairly, impartially, without any prejudice or bias or favor or sympathy of any kind?

A Yes, your Honor.

Q And to weigh it, also, without regard to who gives it, that the testimony of a professional man or a man in public office is to be weighed on the same basis exactly as the testimony of any other witness; you understand that?

A No, I don't.

Q Let us say that a police officer should come on this witness stand. Would you feel that you have to believe him to a greater extent than you would believe Joe Smith who was nothing?

A Yes, your Honor.

Q You what?

A Yes, your Honor.

Q Well, the Court will say to the jury that they are to weigh the testimony of all witnesses without regard to their public office or anything else, to weigh it on the same basis precisely, and the test is to determine what is true and what is not, and that test always remains. Could you, even though a person be a police officer or he be a doctor or a lawyer, could you measure his testimony exactly the same as you would measure the testimony of, say, a common laborer?

A Yes.

Q You understand that that is the rule of law, that all testimony is to be weighed on the same basis?

A Yes.

Q All right. The only test is whether it is true, and one person can tell an untruth just like any other. It is for the jury to determine what is true and what is not true without regard to who testifies. Do you understand that clearly?

A Yes, your Honor.

Q Now, there are principles of law to be followed, and the Court will give those to the jury and tell the jury what those principles are. It is the duty of a jury to follow them exactly, without regard to whether they think they are right or not. Those are the principles to be followed.

Could you follow those principles as the Court states them to you?

A Yes, your Honor.

Q Have any of your people, if you know, ever been visited by violence by anyone at all?

A No, your Honor.

Q Have you since the 4th of July of this year received any communication by mail, telephone or otherwise about any matters pertaining --

A Yes, your Honor. I received a letter. I can't describe it.

Q Have you it with you?

A I haven't it with me. It was a two-page letter, I imagine mimeographed or typed.

Q When did you receive it?

A I don't know exactly, but I called in and reported it. I don't remember the day I got it, but I called in that next morning.

Q All right. Will you be good enough to look at Court's Exhibit A-9 and A-10 carefully and see if you believe that those are copies of what you received?

A Well, they look exactly like them. I have the letter that I could give you at home. I haven't destroyed it. I still have it.

Q You might bring it with you tomorrow. But you are satisfied that it is the same as this?

A It looks the same, yes.

Q Do you know who sent you that?

A I have no idea.

Q Have you formed any thought at all that the Sheppard family or any of their friends did?

A You mean that they might have sent it to me?

Q Have you formed any opinion at all about that?

A No.

Q Do you believe that the Sheppard family or any of their friends sent you those?

A No.

Q Well, I can tell you that we know who sent it. The Sheppard family and their friends had nothing whatever to do with it at all. So we can forget that part.

But I would still want to ask you, if receiving this, no matter who sent it, has any bearing at all upon what your judgment would be in a case of this kind?

A No, your Honor.

Q Have you received any other communication of any kind?

A No, your Honor.

THE COURT: All right. That is Mr. Parrino. He is the Assistant County Prosecuting Attorney. He would like to ask you a few questions.

EXAMINATION OF PROSPECTIVE JUROR DOROTHY E. LEE:

BY MR. PARRINO:

Q Now, Miss Lee, I am about to ask you some questions, if I may, please, that the law provides the lawyers. I will ask you reasonable questions at this time to determine whether or not you, as a prospective juror, have certain qualifications that the law states you must have to serve here as a juror; and if I may, please, I should like to ask you these questions at this time.

Now, do you realize -- I am sure that you do, Miss Lee -- that this defendant, Sam Sheppard, is charged with the crime of murder in the first degree? You know that, don't you?

A Yes.

Q And he is charged with the slaying of his wife, Marilyn Sheppard, on July 4th, 1954. You know that?



A Yes.

Q Now, do you know this to be the law of the State of Ohio:

Do you believe in capital punishment, Miss Lee?

A Yes.

Q In other words, the law is in the State of Ohio as follows:

That in a case where a person is charged with murder in the first degree, where a jury hears such case and returns a verdict of guilty, and does not recommend mercy, that in that case the punishment will be death in the electric chair.

Do you understand that to be the law?

A Yes.

Q Now, do you have any feelings, conscientious feelings or religious feelings, that would prevent you from entering into a verdict where the penalty would be death?

A No.

Q Do you feel that in a proper case properly proven by all of the facts and circumstances developed during the course of the trial, that you could enter into a verdict which would take a human life? Do you feel that way?

A Yes.

Q And you are willing to undertake the responsibility of serving as a juror in this case, are you?

A Yes.

Q You say you have one or two brothers?

A I have three brothers.

Q And what are their names and ages, please?

A Well, John Lee, 21.

Q Where does John Lee work, please?

A He is in the Navy now.

Q And how long has John been in the Navy, about?

A About a year.

Q And what type of work was John engaged in before he left to go into the Navy, or was he in school?

A Well, he was in school.

Q What is the next brother's name?

A Richard Lee.

Q And how old is Richard?

A Richard is 13.

Q And I presume he is in school, of course?

A Yes.

Q And what is the next boy's name?

A Keith.

Q Keith?

A Keith.

Q And how old is Keith?

A He is nine years old.

Q And he is in school, too, I am sure.

A Yes.

Q Do you have any sisters, please?

A Yes.

18 Q And what are their names, please?

A You mean with and without the family?

Q Yes.

A Or all of them together?

Q Yes, with and without.

A There's Barbara McNorton, Mrs., and she's 24; and Nancy Prince -- no, Barbara is 25; Nancy is 24.

Q That is a rather substantial family.

A And Phyllis is 19.

Q I am going to ask you a very unfair question, Miss Lee.  
How old are you, please?

A 26.

Q Now, your father's name is what, please?

A Royal Lee.

Q Roy?

A Royal, R-o-y-a-l.

Q And your father is employed by the Keith -- ✓

A Keith Weigle Motor Co.

Q Keith Weigle Motors. And where is the Keith Weigle Motors located?

A I don't know exactly. It's in Euclid, Ohio, about 212th or 213th.

Q Now, do you know Keith Weigle personally? ✓

A No. I don't, no.

Q Have you ever met him?

A I don't know. I may have when I was smaller. I can't remember.

Q Is that Dr. Keith Weigle?

A No. It's the elder Mr. Weigle.

Q The elder Keith Weigle?

A Senior.

Q Have you ever been out there at that place of business at all? ✓

A Yes.

Q In recent years?

A No. I would say about five years ago.

Q And have you ever met Dr. Keith Weigle, Jr., I presume?

A No.

Q You say that you have read something about this case, Miss Lee?

A Yes. A little.

Q That would only be natural, of course. The papers have had quite a bit about it since July the 4th, and it would be the most natural thing in the world for you to read something about it if you have seen it in the newspapers, and you say that you have read some little about the case.

A Yes.

Q And certainly some people have talked to you about the case, have they? ✓

A Yes. ✓

Q In a general way?

A Yes.

Q It was a subject of conversation in many places, isn't that correct?

A Well, mostly at my home.

Q And have you ever discussed the case with your father?

A No.

Q He has never spoken to you about it?

A Never.

Q Has your father ever expressed an opinion to you about the guilt or innocence of the defendant, Sam Sheppard?

A No.

Q Who would you discuss the matter with at your home, then, Miss Lee?

A Well, with my mother and my sister, Phyliss.

Q And your father would not be present on any of these occasions?

A Well, I haven't spoken to my father for a while, so we don't --

Q I beg your pardon?

A I haven't spoken to my father for a while, so he wouldn't be in the conversation at all.

Q I see. Have you ever served as a juror before?

A No.

Q Ever appear as a witness before?

A No.

Q Do you know, Miss Lee, that as a juror one of your primary functions will be to listen to the testimony of all the witnesses in this case?

A Yes.

Q And you will sit in the jury box with 11 other people, should you be selected as a juror to take and consider and evaluate and to weigh in your own mind the testimony of all persons that testify. You know that, of course?

A Yes.

Q Where did you attend school, Miss Lee, please?

A I didn't finish school. I finished at Rawlings High on Lawrence Avenue.

Q What grade was that, please?

A I finished the 10th.

Q You say that you are now employed as an elevator operator across the street at the Film Building?

A That's right.

Q And have been there for approximately one year?

A Yes.

Q And where were you working before that?

A Well, before that I worked at Ajax Paper Tubing.

Q And what type of work did you do there?

A It's paper tubing. You construct paper tubes, insert a smaller tube into a large one; it varies.

Q Sort of mechanical work of some kind, was it?

A Yes, sir, but mostly hand work.

Q With your hands?

A Yes.

Q How long did you work there?

A About a year.

Q And where was that place located?

A On West 25th Street.

Q Where did you work before that, please?

A At Mr. Silverman's, Mr. Alvin Silverman.

Q The newspaper reporter for the Cleveland Plain Dealer?

A Yes.

Q Did you share his political views, or did you care especially?

A No.

Q How long did you work for Mr. Silverman?

A Six years.

Q Now, as I have stated, when you are selected as a juror, you will listen to the testimony of all of the witnesses in this case that testify for both sides in an effort to determine wherein lies the truth in this case. Now, after all of the testimony has been introduced by both sides, then his Honor, Judge Blythin, will state for you, in positive terms, what the law is that you as a juror and a member of the jury are to apply to the facts in this case. You understand that, of course?

A Yes.

Q And will you take the Judge's charge and statements of the law as being the law that applies in this case? Will you do that, please?

A Yes.

Q Now, you understand that in many fields of endeavor there must be some person that presides over proceedings such as this; in other words, in a manner of speaking, Judge Blythin is sort of the referee that has control of these proceedings in this courtroom. So that he will insure or he will see to it that both sides in this case, the defendant, who is represented by Mr. Corrigan and other counsel, and the State of Ohio, who is represented by Mr. Mahon and Mr. Danaceau and myself, he will see to it that both sides of this case receive a fair and impartial trial. You understand that, of course?

A Yes.

Q Now, you understand, of course, that the defendant, Sam Sheppard, is represented by Mr. Corrigan, Mr. Garmone, Mr. Petersilge and Mr. Corrigan, Jr.? You understand that, of course?

A Yes.

Q And do you understand that the State of Ohio is represented by we gentlemen that stand here before you?

A Yes.

Q Now, do you understand that Mr. Mahon, Mr. Danaceau and myself



represent the prosecution in this case?

A Yes.

Q And representing the prosecution, we represent the people of the State of Ohio.

A Yes.

Q We represent the people of this community, you understand that?

MR. CORRIGAN: Oh, I object to that.  
You don't represent the people. You are the agency.

MR. PARRINO: I beg your pardon.

MR. CORRIGAN: You are an agency of the  
government.

MR. PARRINO: We represent them.

MR. CORRIGAN: That's what you are.

MR. MAHON: The people are the  
government.

MR. CORRIGAN: You are an agency of the  
government of the State of Ohio. You don't represent  
the people any more than I represent them.

MR. MAHON: Well, the people are the  
government.

MR. CORRIGAN: The people are the  
government, yes, but you can't say that the people of  
the State of Ohio are over on that side of the table.  
You are an agency of the government, that's all you are.

THE COURT: It is a little play on words, but you understand that these people are the agents for the government of the State of Ohio?

PROSP. JUROR LEE: Yes.

BY MR. PARRINO:

Q Now, Miss Lee, do you understand the relationship between Keith Weigle, Sr. and Keith Weigle, Jr. and Marilyn Sheppard? Did you know that there was a relationship there? ✓

A No.

Q Did you ever know that there ~~was~~ an association of any kind between Keith Weigle, Jr., Keith Weigle, Sr. and Marilyn Sheppard? ✓

A No, I don't know Keith Weigle, Jr.

Q Have you read anything in the papers in the last few days concerning any relationship between Keith Weigle, that's Dr. Keith Weigle, and Marilyn Sheppard? ✓

A No.

Q Or the Weigle family and Marilyn Sheppard? ✓

A No.

Q I state to you that I believe that the Weigles and Marilyn Sheppard were cousins. ✓

MR. MAHON: Keith was.

Q Keith Weigle was, yes.

(Thereupon a discussion was had between counsel,

out of the hearing of the jury and off the record,  
after which the following proceedings were had:)

BY MR. PARRINO:

Q Well, do you know anything of any relationship between Keith Weigle and Marilyn Sheppard?

A No, I don't.

Q Now, when you come into this courtroom as a juror, Miss Lee, you listen, as I have stated to you, to the testimony of many witnesses who will testify for both sides, <sup>and</sup> /as a juror the Court will instruct you as to the manner in which you shall weigh and judge and consider the testimony of all persons that come into this courtroom to testify. Will you take the Judge's instructions and follow them in this case in that respect?

A Yes.

Q Now, as Judge Blythin has stated to you before, I believe, that you will judge and weigh the testimony of various people not by any title that they may have, but by the value that you wish to place upon what they have stated from the witness stand, do you understand that?

A Yes.

Q In other words, merely because a person is a police officer or a doctor or an engineer or a professional man of some kind or another, you wouldn't give to that person more weight or

credence merely because they have a title, would you?

A No.

Q On the other hand, you wouldn't give to that person any less weight or credence merely because they have a title, would you?

A No.

Q You would judge what they have to say on the basis of the value that you wish to place upon their testimony, based upon reasonableness of their story, probability of their story, their interest in the case; will you take those factors into consideration?

A Yes.

Q If the Judge says that you may do that?

A Yes.

Q In other words, Miss Lee, in judging the testimony of any witness, as you hear that testimony, will you say to yourself, "The testimony of this particular person, what he is saying certainly, to me, seems very reasonable, so I am going to believe it"? Will you take that position?

A Yes.

Q And as you listen to the testimony of persons that testify, you may say to yourself, "The testimony of this particular witness certainly does not sound reasonable to me, so I better take it with a grain of salt."

Will you take that position?

A Yes.

Q And similarly, as a person testifies, you may say to yourself, "What this person says, to me now, certainly sounds probable, it is reasonable and probable, so I think I should believe it."

Will you take that position?

A Yes.

Q And if it does not sound reasonable or probable, you will take that with a grain of salt; will you take that position, please?

A Yes.

Q And on top of all of this, the Court may say to you and will say to you that in evaluating and judging the testimony of any witness, you may take into account what interest or lack of interest that they have in the issues in this case. Will you do that, please?

A Yes.

Q In other words, if a person that comes into this courtroom to testify and you feel that that person may have a great and serious interest in the outcome of this trial, would you be careful to evaluate what that witness says?

A Yes.

Q And weigh it and judge it according to such standards as the Court tells you that you shall apply in the case?

A Yes.

Q Will you do that, please?

A Yes.

Q So that on the basis of probabilities, of improbabilities, of reasonableness, of unreasonableness, of interest in the case or lack of interest in the case, on the basis of these factors and such other factors as you may reasonably apply from your own experience in life, will you judge and determine the weight which you will as a juror give to all the witnesses in this trial? Will you do that, please?

A Yes.

Q Now, as I say, you are to apply those standards to the witnesses that are brought forward by the State of Ohio. Will you do that, please?

A Yes.

Q And you are to judge and to apply the very same standards to the witnesses that are produced on behalf of the defense. Will you do that, please?

A Yes.

Q And those same standards would, as I say, apply to the defendant himself, Sam Sheppard, as he testifies, should he testify as a witness in this case.

A Yes.

Q Will you use those same standards, please?

A Yes.

Q Now, as I have stated to you, during the course of the trial

Judge Blythin will act as sort of a referee of these proceedings. Now, of one thing we may be sure in this case, Miss Lee, that is, from time to time there will be disagreements between the lawyers. We may have an objection on one side of the table or on the other side of the table, and it will be Judge Blythin's specific function and duty to state whether or not that which is being objected to is proper evidence or not proper evidence.

If the objection is sustained, then you are to disregard, ignore whatever is being said on the subject at that time. Will you do that, please?

A Yes.

Q If whatever is being said is objected to and the objection is overruled, then you are to take into consideration and give such weight as you may think proper to what has been said in that regard. Will you do that, please?

21 A Yes.

Q Now, one thing further is certain in this case, that from time to time, in all probability, the lawyers may make certain comments to the Court and to the jury, not in their opening statements or in their final arguments to the jury, but spontaneously. You understand, of course, that what is said at these times is not evidence? Do you understand that?

A Yes.

Q And you will not consider it as evidence, will you?

A No.

Q What the lawyers say here in open court, you will not consider that as evidence?

A No.

Q The evidence, as you understand it, comes to you by and through the witness stand in which you now sit, is that correct?

A Yes.

Q And by and through any exhibits that may be offered by either side, by the State or by the defense. Do you understand that?

A Yes.

Q Now, Miss Lee, are you acquainted with any of the lawyers that have offices in the Film Building?

A Not other than seeing them come in and out of the building.

Q There is no personal acquaintance there?

A No personal acquaintance at all.

Q Are you acquainted with any of the lawyers by name?

A Oh, yes.

Q With whom are you acquainted, please?

A Mr. Fernberg.

Q Everybody knows Mr. Fernberg.

A And Mr. -- I can't think of the name -- I think Mr. Blackman.

Q Mr. Blackman?

A Blackman, I think his name is. Well, those are the only two.



Q Do you ever have any talks with either of those man, I mean other than up and down the elevator?

A Nothing other than "Good morning."

Q Nothing pertaining to the law business or anything of that character?

A No, no.

MR. CORRIGAN: The law profession, Tom,  
not business.

MR. PARRINO: You are right.

Q You are not acquainted with anyone at the Bay View Hospital, are you, Miss Lee?

A No.

Q Do you understand, Miss Lee, that in a criminal case there may be introduced into the evidence both direct evidence and circumstantial evidence?

A Yes.

Q The Court will state that to you.

A Yes.

Q That direct evidence is proper and circumstantial evidence is proper, that both may be used in this courtroom. And the Court will describe to you what constitutes direct evidence and what constitutes circumstantial evidence. And when he describes that to you, will you take and follow his description of both of those and apply them to the facts in this case? Will you do that, please?

A Yes.

Q Do you own an automobile, Miss Lee?

A No.

Q Does any member of your family own an automobile?

A No.

Q You understand, then, that in deciding this case you will do so in the exercise of your sound, honest judgment as a juror?

A Yes.

Q And after listening to all of the facts in the case you are convinced, that is, you feel that the State of Ohio has not proved a case against the defendant, Sam Sheppard, I am sure that you will **not** hesitate in any degree to find him not guilty, isn't that correct?

A That's right, yes.

Q Now, on the other hand, Miss Lee, as you have listened to all of the evidence, both sides of the story, and you have weighed it and you have discussed it with your fellow jurors, you feel that you are convinced beyond a reasonable doubt of the guilt of the charge of first degree murder, will you then hesitate to return a verdict of guilty against the defendant?

A No.

Q In other words, you will want to see justice done in either event, and let the chips fall where they will, is that correct?

A Yes.

Q Now, Miss Lee, will you permit prejudice to enter your deliberations in this case in any degree?

A No.

Q Will you permit bias to enter into your deliberations in any degree, bias or prejudice?

A No.

Q Will you permit sympathy for the defendant, or his family, to enter into your deliberations in any degree whatsoever?

A No.

Q So do you feel this way: That you will arrive at your verdict in this case, insofar as you humanly are able to do so --

A Yes.

Q -- without any feelings of bias or prejudice or sympathy for or against anyone? Do you feel that way?

A Yes.

Q And come to a verdict which you have carefully considered in your heart and in your mind which is fair and which is just to both sides in this lawsuit? Is that the way you feel, Miss Lee?

A Yes.

Q Only you, Miss Lee, can tell this Court, those of us that are in this courtroom, whether or not there are any reasons whatsoever why you could not serve as a juror in this case.

And if you will, please, I ask you to examine your mind at this time to tell all of us here whether or not you feel in your heart and in your mind there is any possible reason why you could not serve as a just juror in this case?

A No.

MR. PARRINO: Thank you very much.

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

EXAMINATION OF PROSPECTIVE JUROR DOROTHY E. LEE:

BY MR. GARMONE:

Q Miss Lee, you say you have been employed at the Film Building for the past year and one month?

A Yes.

Q And where were you employed prior to that?

A The Ajax Paper Tubing Co.

Q And where is that located?

A West 25th Street.

Q On the west side?

A On the west side.

Q And what kind of work did you do there?

A It was constructing paper tubes, putting caps on, inserting a smaller tube in a larger one; various jobs, putting tubes together and caps on.

Q What was the name of your employer, the individual name rather than the company name?

A For Ajax?

Q Yes.

A It was Mr. Newell.

Q Mr. Newell?

A Newell, yes. He has deceased. That has happened since I left the company, and I don't know who is in charge now.

Q And who were you hired by at the Film Building?

A Mr. Nadler.

Q Mr. Nadler?

A Yes.

Q N-a-d-l-e-r?

A Yes.

Q And he is the gentleman that interviewed you before you got the job, is he?

A Yes.

Q Now, does Mrs. McNorton live at home with you?

A No. She lives at 1188 Superior, East 99th and Superior.

Q East 99th and Superior?

A Yes. It's off Superior.

Q And is she employed?

A No.

Q Is Mr. McNorton employed?

A Yes.

Q And what is his employment?

A He works for the post office.

Q Which division, do you know?

A I don't know.

Q Is he a letter carrier or does he work at the main post office?

A I don't know what he does now, but I think he's being transferred to a letter carrier soon. I don't know if he has been transferred yet or not.

Q When is the last time you saw Mr. McNorton?

A I don't know. It was either Tuesday or Wednesday. I can't remember.

Q Of this week?

A Of this week -- no, it was last week.

Q Last week?

A Last week.

Q And that was either on the 19th or the 20th of October, is that right?

A Yes.

Q And where did you see him, at his home?

A No. He came to my home to take us to the hospital. My sister had twins, his wife had given birth to twins and we went out to see her.

Q And was there any discussion about the fact that you were a prospective juror in the case of the State of Ohio versus

Sam Sheppard?

A Well, no. He did ask me how I felt, and I told him I couldn't talk.

Q Let's stop right at that point now.

MR. DANACEAU: Just a minute.

MR. GARMONE: I want to question her on that matter.

MR. DANACEAU: Let her finish her answer.

THE COURT: Yes, let her answer.

MR. DANACEAU: Let her finish.

Q You --

MR. DANACEAU: Just a moment. I object to counsel saying, "I want you to stop" at any point when she is in the middle of her answer.

Q Did you say?

MR. DANACEAU: I have made my objection to the Court, and I have asked him to rule on it.

THE COURT: Let her finish her answer.

A He asked me how I felt, and I told him I wasn't able to give an opinion, we were not allowed to talk about it. ✓

Q And did you ride with him during the --

A Yes, during the trip to the hospital. ✓

Q To the hospital?

A Yes.

Q And then did you ride back with him? ✓

A Yes. He brought us back.

Q And about how often would you say that request was made of you by Mr. McNorton as to how you felt?

A Well, when I first -- when he first came over, and afterward he didn't say anything else about it.

23 Q And did I hear you correctly in the finishing of your answer that Mr. Danaceau insisted on --

MR. DANACEAU: Now, just a moment.

We object to these sort of comments and showmanship here.

MR. GARMONE: There is no showmanship.

MR. DANACEAU: That's all it is.

MR. GARMONE: No, it is not.

MR. DANACEAU: I don't know what else it is.

MR. GARMONE: I don't know what you call it, but I have a right --

MR. DANACEAU: I call it showmanship.

MR. GARMONE: -- I have a right to conduct the examination, don't I?

MR. DANACEAU: Yes, but keep it fairly.

Q Let's put it this way: In the answer that you made in response to one of my questions, you said that he asked you



whether -- how you felt about it?

A Yes.

Q And you said that you could not --

A Comment.

Q Comment?

A Yes.

Q Did you use the word comment the first time that you answered the question, or did you use the word --

A I don't remember.

Q -- you couldn't express your opinion? Now, which word did you use?

A I don't know exactly which word I used, but it meant the same thing.

Q Well, is it possible that your answer to him was that you could not express your opinion rather than the answer being that you --

A That's possible, yes.

Q It's possible?

A Yes, it's possible.

Q And that opinion that you speak of is an opinion that you had on the 19th or 20th of October of this year regarding the case of the State of Ohio versus this young man, isn't it?\_\_

A Well, I didn't have an opinion. He asked did I -- how did I feel about it. That didn't mean that I had an opinion. -- I said, "I'm not able to talk about it."

THE COURT: But there is a question beyond that. The question is: When you were thinking of an opinion at that moment, were you referring to an opinion that you had on the 19th of October?

PROSP. JUROR LEE: No, no.

Q My question, Miss Lee, was this: If you did use the word opinion rather than the word comment --

A Yes.

Q -- did you have reference to an opinion that you had in your mind about this case on the 19th or 20th day of October of this year?

A No.

Q Have you ever expressed an opinion?

A No.

Q To no one?

A No.

Q Has anyone ever expressed an opinion to you? —

A Well, yes. —

Q And when was the last time an opinion was expressed in your presence? —

A I don't know. I would say about a month ago my aunt came from Springfield. She was visiting us. And she told me her — opinion.

THE COURT: Don't say what the opinion was.

Q She told you her opinion?

A Yes.

Q And did that opinion in any way coincide with any thoughts that you had about this matter?

A No.

Q It did not?

A No.

Q Now, have you since Mr. McNorton since the automobile ride that you have revealed here?

A No.

Q And when prior to the 19th or 20th of October had you seen Mr. McNorton?

A I don't know. I would say two or three weeks. It was before -- I would say two or three weeks.

Q Pardon?

A About two or three weeks. I'm not sure. I didn't -- there wasn't any reason for me to remember.

Q About two or three weeks before the --

A About that time.

Q Before last week?

A Yes.

Q Had you at that time received officially a summons that you would be called as a juror in this case?

A Yes.

Q And had you at that time had your name publicized in the

newspapers of Cleveland that you were to be a prospective juror?

A Yes.

Q And wasn't there some conversation on that occasion about what your feeling was toward Sam Sheppard?

A Why, yes.

Q And who else was present at that time aside from yourself and Mr. McNorton?

A My mother.

Q Was Phyliss there?

A No.

Q Was Nancy there?

A No.

Q Was your daddy there?

A No.

Q At about what time of the day or night did this conversation take place?

A About six o'clock.

Q In the evening?

A Yes.

Q After you had come from work, I take it?

A No. I was here. I was sitting out here in the other room.

Q Oh, this conversation that we speak of now that you had with Mr. McNorton in the presence of your mother was while you were in this building?

A Yes. —

Q After you had left the building, is that right?

A Yes.

Q Well, now, when in reference to the 18th of October did that conversation take place?

A Well, I don't know. It would either have to be Tuesday or Wednesday, probably Wednesday. —

Q And that took place at your home? —

A Yes. As we were going into the car.

Q And I believe you were frank in telling me that the conversation had something to do with this case at the outset, did it not? —

A Yes.

Q And didn't Mr. McNorton express on that occasion an opinion to you as to how he felt? —

A Well, no.

Q About Sam Sheppard? —

4 A Well, he -- yes.

Q And didn't your mother --

A No.

Q -- join in in it and express --

A No.

Q -- an opinion as to how she felt about Sam Sheppard?

A No.

Q Now, how long would you say the conversation lasted that

Mr. McNorton gave to you that expressed an opinion about this young man? —

A Well, I would say about a minute or two. —

Q You permitted him to talk to you at that time about this case?

A Well, he asked me what I thought. I told him that I wasn't able to say. I didn't say any more. —

Q But then you did listen to an opinion that he expressed, did you not? —

A Well, how could I help it?

MR. GARMONE: I think that under the circumstances, your Honor, that this juror should be challenged for cause; that the admonitions of the Court have not been followed to the letter, which is very important. ✓

MR. PARRINO: I object to that, if the Court please.

THE COURT: Pardon?

MR. PARRINO: I say, I object to that, the statement.

THE COURT: Miss Lee, do I understand -- can you pin exactly the day when this conversation took place?

PROSP. JUROR LEE: No. It must have been last week because she came home Saturday. It would

have to have been about last week Wednesday. I don't know exactly, either Tuesday or Wednesday. ✓

THE COURT: And did you say anything about the matter, about this matter?

PROSP. JUROR LEE: No. He asked me, and I said I wasn't able to say. —

THE COURT: Will you tell us, if you said nothing at all how he came to express an opinion?

PROSP. JUROR LEE: Well, he just told me. —

THE COURT: Don't tell us what the opinion was.

PROSP. JUROR LEE: He just told me his opinion, that's all. After I told him that I was not able to talk about it, he said, "Well, I think," and then he told me what he thought about it. —

THE COURT: And did he say "I think" and then expressed his opinion? —

PROSP. JUROR LEE: Yes, he did. —

THE COURT: Would that have any bearing at all on your judgment in this case?

PROSP. JUROR LEE: No.

THE COURT: Could you forget it entirely and be guided by the evidence here and by the instructions of the Court as to the law? —

PROSP. JUROR LEE: Yes, your Honor.

THE COURT: The challenge will be  
overruled.

MR. CORRIGAN: Exception.

BY MR. GARMONE:

Q I didn't or probably I slipped up in not hearing where Mr.  
McNorton was employed.

A He is employed by the post office.

Q By the post office?

A Yes.

Q Does he drive an automobile?

A Yes, he does.

Q And what kind is it?

A It's a Chevrolet.

Q Do you know whether that car was purchased at the Keith  
Weigle Motor Co.?

A No.

THE COURT: Do you mean you don't  
know?

PROSP. JUROR LEE: No. I know it was not.

Q It was not?

A It was not.

Q Now, when was the last time that you saw Mrs. Prince?

A About three days ago.



Q And where was that?

A At her home.

Q And where does she live, may I ask?

A At 4646 -- I don't know exactly. It's a couple streets from me. She lives in our neighborhood.

Q And was there some discussion there by --

A No.

Q I haven't completed my question, Dorothy. I may have asked you about the ballgame or the football game.

A I'm sorry.

Q All right. Who was present while you were in Nancy's home?

A Well, Nancy and her husband, Mr. Prince, and I have three cousins that were there, Donald, Norman and Paul Jackson.

Q And about how old are they, the cousins?

A They range from about 22 to 26.

Q The cousins?

25 A Yes.

Q And during your visit with Nancy and her husband and the three cousins, was there anything at all said or suggested about your being a prospective juror in this case?

A No. They more or less knew that I wasn't supposed to talk about it, and they didn't ask me.

Q They didn't ask you?

A No.

Q Have you read anything about this matter since the time that you were brought in here last Monday? ✓

A Well, yes.

Q And may I ask you what articles you read?

A Well, I can't tell exactly, but they more or less had to do with what who was in the courtroom and certain witnesses who testified, and that's about as far as I read. —

Q I see. And you read about, you say, some of the witnesses who would be called to testify? Is that what you said?

A No, not those to be called, some that had been testifying.

Q You mean jurors?

A Jurors.

Q And you read a list of the questions that were asked those jurors and some of the answers that they gave? —

A Some of them, yes.

Q Now, in the newspaper, since you have been summoned here last Monday, there was a statement quoting Keith Weigle, Jr. Do you remember reading that statement? —

A No, I do not.

Q Was the statement, if you know, that I refer to that Keith Weigle, Jr. made since your being called down here discussed at home by your daddy?

A You mean with me?

Q Well, with anybody in the household in your presence?

A No, not that I know of.

Q When you say "with me," do you mean that you and dad don't talk?

A Exactly.

Q And has that been going on, did I understand you to say, for some time?

A Yes.

Q And your dad has never expressed an opinion to you one way or another?

A No.

Q Has he ever expressed an opinion one way or another in your presence that may not have been directly to you?

A No.

Q Did he talk with your mother about the fact that the Weigles are -- were related to Marilyn Sheppard? —

A Possibly. I couldn't say. —

Q Well, did you ever hear any such discussion around your household?

A No.

Q Well, you did know before you came in here that the gentleman that operates the Keith Weigle Automobile Agency is the father of Dr. Keith Weigle, Jr., you knew that, didn't you? —

A Well, yes. —

Q And where did you obtain that information?

A Well, it was known at our house that Keith Weigle had several sons one of which was a doctor. That's been known for years. —

Q And did you know that Keith Weigle and the Weigle family were related to Marilyn Sheppard?

A No, I did not.

Q Was there ever any such discussion around your household along those lines?

A Not that I know of.

Q Now, the papers -- do you have papers delivered to your home?

A Yes. The News and sometimes the Press. —

Q And the articles that you speak of that you read about what some of these other ladies and gentlemen had been asked, what their answers were, were they in the News or the Press or both?

A No. I read them in the Plain Dealer. I pick the paper up on my way down here.

Q This morning?

A This morning I got a paper, yes.

Q And did you read any other items that pertained to the Sheppard matter?

A Only the headlines, only the headlines that two jurors had been dismissed, and that's about all. —

Q Now, Dorothy, have you ever discussed this matter with Phyliss?

A No. Phyliss is younger than I am, and I don't say too much to her.

Q Well, you started to hesitate a little. Are you certain that

you didn't?

A I'm positive.

Q Now, prior to your employment over at the company on the west side you were with Alvin Silverman for six years?

A That's right.

Q During that time you knew he was a political reporter for the Cleveland Plain Dealer, I take it? —

A Yes.

Q Now, would the fact that you worked for him and he is connected with one of the newspapers that has carried many articles about this case, would that create any prejudice on your part?

A No.

Q Any bias?

A No.

Q Would it cause you to formulate any preconceived ideas about what the disposition of this matter should be?

A No.

Q You were asked a question by his Honor, Judge Blythin, and the same question was put to you by Mr. Parrino. Now, I will ask you the same question and try to simplify it. If you don't understand it, I want you to say you don't.

Would you give the testimony of a police officer more consideration than you would a layman because of the fact that he is a police officer?

A No.

Q You understand my question?

A I understand the question now. No.

Q Because in the first instance, when Judge Blythin asked you the question, you said that you would.

A I said yes.

Q You probably didn't understand the question, is that it?

A That's right.

Q Now, there will be doctors testify here in this matter who are associated with the coroner's office. Do you know Dr. Gerber?

A No.

Q Have you ever seen Dr. Gerber come into the Film Building?

A I wouldn't know if I had or not. I wouldn't know him.

He might have come in, but I wouldn't know who he was.

He would just be in there.

Q Do you know anybody that is associated with the coroner's office?

A No.

Q Would the fact that they are doctors who may testify in this matter and because they are connected with the coroner's office make you give their testimony more consideration than you would the testimony of doctors that we will bring in to testify in behalf of Sam Sheppard?

A No.

Q Do you know the difference between an osteopathic doctor and a medical doctor?

A No.

Q Would you treat a doctor of osteopathy in the same light that you would treat a doctor of medicine if you were offered testimony by members of both professions?

A I don't understand that.

Q Well, if a doctor of medicine is called upon to testify on a given set of facts or issues that may arise in this case, by the State, and on the other side an osteopathic doctor was called to testify relating to the same set of facts or issues, would you believe the doctor of medicine -- or, I mean would you give his testimony greater weight than you would the osteopathic physician?

MR. MAHON:

Objection.

A I don't know what --

THE COURT:

Just a moment. The

objection will be sustained.

Q Well, would you give the doctor of medicine, because he has the title of doctor of medicine, greater consideration than you would the doctor of osteopathy because his title was that of doctor of osteopathy?

A I don't know if they are the same thing. I couldn't unless I -- I don't know if a doctor of osteopathy is the same as a medical doctor.

Q Well, there is a distinction between the two professions.

A I mean, they would both have the ability to --

Q Well, now, I am asking you whether you feel now if it is explained to you that there is a distinction between the two professions, whether you would give the medical doctor, because he is a member of the medical profession, greater consideration than you would the osteopathic doctor because he is a member of the osteopathic profession?

MR. MAHON: I object to that.

A I can't --

MR. MAHON: Wait a minute. I object to that. I don't know as that is a profession at all.

THE COURT: All right.

MR. GARMONE: Do you --

THE COURT: Let's see if we can make clear to her what you are trying to get at.

MR. GARMONE: All right. Let the Court put the question to the juror.

THE COURT: There are several schools of medicine. Do you understand what I mean?

PROSP. JUROR LEE: Yes.

THE COURT: One is perhaps a medical doctor, which is what Mr. Garmone refers to as a doctor of medicine generally. Then there is a school



of osteopathic physicians. They are physicians and they are licensed by the State of Ohio just as are the M.D.s, and there are others, but we need not mention them now. Would you give a medical doctor, an M.D., or his testimony more consideration just because he is an M.D. than you would a doctor of osteopathy just because he is a doctor of osteopathy?

PROSP. JUROR LEE: No, no.

THE COURT: That is what Mr.

Garmone is trying to find out.

BY MR. GARMONE:

Q Would you look upon them, before any testimony was given by either one, with the same even yardstick, before you heard anything that they would have to say about this matter?

A Yes.

Q Now, you have a Keith Lee that is nine years old? —

A Yes.

Q Was he, by chance, named after your dad's employer? —

A Yes, he was.

Q Now, should Keith Weigle come in here and become a witness in this case, and we anticipate that he may be called by the State, would the fact that one of the members of your family was named after Mr. Weigle have any effect as to how you

should judge his testimony?

A No.

Q Are you sure of that?

A Yes.

Q You wouldn't express a greater consideration --

A No.

Q -- for Keith Weigle's testimony because one of your younger brothers was named after him, would you?

A No.

Q Pardon me?

A No.

Q Now, what we are interested in mostly, Miss Lee, is to determine whether or not you can give Sam Sheppard a fair trial. You have heard a lot of questions asked of you.

A Yes.

Q Do you think you are able to give him a fair trial?

A Yes, I do.

Q Regardless of the opinions that have been expressed to you since you were officially notified?

A Yes, I do.

Q That you were to be a prospective juror in this case?

A Yes.

Q Do you anticipate my questions when you answer me before I complete my questions?

A Slightly.

THE COURT:

Sure, she does.

Q Was it because of the fact that you read in the newspapers what may come?

A No, no.

Q You appreciate, do you not, Miss Lee, that this young man is in court to stand trial for his life?

A Do I appreciate it?

Q Yes.

A I don't understand that.

THE COURT:

Do you realize the

seriousness of it?

Q The seriousness of it.

A Yes, sir, I do.

Q And that responsibility, if you are chosen as a juror, will be a great one.

A Yes, I do.

Q And do you now feel, after this examination, that you could accept that responsibility and give Sam Sheppard a fair and impartial trial?

A Yes, I do.

Q Any question in your mind about it?

A No.

Q Would you now search your conscience and see whether there are any reasons that you may have of your own that haven't been developed by examination that would disqualify you as

a juror in this case?

A No.

Q Pardon?

A No.

Q There are no reasons?

A No reasons.

Q You can be fair and impartial?

A Yes, I can.

Q Enter this jury box with an open mind?

A Yes, I could.

Q Without any prejudices or biases against Sam Sheppard?

A Yes, I could.

Q And you will treat him with the same yardstick that you will measure whatever the State of Ohio has to offer to you, is that right?

A Yes.

MR. GARMONE:  
this time, your Honor.

That is all we have at

THE COURT: Will you in the morning  
be good enough to take Seat No. 6 at the end there  
when you come in?

Ladies and gentlemen of the panel, will you  
listen to what I say now, please? We will now be  
adjourned until 9:15 sharp tomorrow morning.

Will you again in the meantime be good

enough not to discuss this case with anyone and not to permit anyone to express an opinion or to discuss it in any way, shape or manner with you? Do not remain anywhere where other people are discussing it among themselves, whether they have an interest in the case or not. It is your duties as persons who may be jurors in this case to keep aloof now so that if and when we come to try this case you can try it without regard to witnesses, who they are, or anything else, and weigh the testimony fairly and impartially. Please observe that caution over the night.

Without any formality at all, we will be adjourned until 9:15 tomorrow morning.

(Thereupon an adjournment was taken at 4:15 o'clock p.m. until 9:15 o'clock a.m., Wednesday, October 27, 1954, at which time the following proceedings were had:)

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WEDNESDAY MORNING, OCTOBER 27, 1954, 9:30 A.M.

MR. MAHON: Judge, Mr. Solli just handed me this. That's that letter that he received.

THE COURT: Gentlemen, Mr. Solli has brought in this morning the letter which he received from the gentleman in Berea. The Court will say to you that it is exactly the same as the letter the Court and the other people have gotten. It's word for word.

MR. GARMONE: All right.

Judge, may I at this time call Miss Lee back for a question or two, please?

THE COURT: Yes.

DOROTHY E. LEE resumed the stand and was examined and testified further as follows:

FURTHER EXAMINATION OF PROSPECTIVE JUROR DOROTHY E. LEE:

BY MR. GARMONE:

Q Miss Lee, the job that you have over at the Film Building, on the second floor, is located the Probation Department?

A That's right.

Q And you know most of those people?

A Probation officers?

Q Yes.

A By sight, yes.

Q Only by sight?

A I know their names, that's all. I don't know them personally.

Q Now, is one of your sisters taking over your job while --

A Yes, she is.

Q Which one?

A Phyliss.

Q And did you see her last night after you left here, ride home with her?

A I didn't ride home with her. I saw her later.

Q Where?

A At home.

Q And is she married or single?

A She is single.

Q Did you talk with her about what happened here yesterday?

A No, I did not. When I got home she had left. She had went out. She had a date, and she came home about 11 o'clock.

Q Was there any conversation at all?

A No.

Q You are still not talking to your daddy, is that right?

A No.

MR. GARMONE:

Judge, I feel that Miss

Lee should be excused for cause, and I would like to

renew my request that she be excused for cause

because she did make the statement yesterday that some time between the 19th and 20th October, which was a day or two after your Honor had called all the members of the panel in and swore them, put them under oath, and it was after you had given the admonition that they were not to talk with anyone about this case and they were not to permit anyone to talk with them about the matter, and it developed yesterday during the examination of this young lady that she did talk with Mr. McNorton -- or, I'll withdraw that statement and say that Mr. McNorton did talk with Miss Lee, and that this conversation and the conversation that took place after Mr. McNorton had picked her up and they got into an automobile and went to a hospital where her sister gave birth to a couple of twins, and that the conversation was continued at a later time. And on both occasions, I believe the record will disclose and the examination developed that Mr. McNorton had expressed to this young lady, and she permitted an expression of opinion to be made to her as to what his feelings on this matter were. I think in view of that, and in view of the effort that everyone is at least sincerely trying to put forth here, not only representatives of the defense but representatives



of the State, that we would be treading on a little thin ice if we would permit -- and I don't say that she would carry an opinion into the jury box with her, but she was frank enough to say to the Court that an opinion was expressed to her and that opinion was expressed after your Honor had given her the necessary admonitions that she was to follow.

Now, it wasn't done once, but it was done twice. I think that under those circumstances, in fairness to her and in fairness to everybody involved in this entire cause, that the Court would be justified in excusing Miss Lee for cause.

THE COURT: I think the request must be overruled, Mr. Garmone.

MR. GARMONE: Note my exception.

29 THE COURT: The lady has testified very clearly, and I think very frankly and undoubtedly truthfully, and the most that could be said is that someone around the 19th or the 20th in a conversation merely expressed an opinion. She has not expressed any opinion. She says she has no opinion, and the Court believes her, and while we do not know what the opinion expressed was, apparently it didn't register particularly with her. The Court thinks it is not enough to justify any removal for cause.

Exception may be noted.

Will you take your seat again, Miss Lee,  
please?

PROSP. JUROR LEE:            Thank you.

THE COURT:                    Now, the next challenge  
is with the defense.

MR. PETERSILGE:            The defense requests  
the Court to excuse Juror No. 9, Mr. Filimon. ✓

(Thereupon Prospective Juror Filimon was  
excused.)

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