

THEREUPON, GERTRUDE WITT, a member of the prospective jury panel, having been previously sworn, was examined on voir dire as a prospective alternate juror, as follows:

THE COURT: Good afternoon, Mrs. Witt.

MRS. WITT: Good afternoon.

THE COURT: Mrs. Witt, you spell your last name W-i-t-t?

MRS. WITT: Yes, sir.

THE COURT: Mrs. Witt, you are going to have to respond so that each person in the room can hear you; will you do that?

MRS. WITT: Yes, sir.

THE COURT: Now, Mr. Romito, he must report what you answer to the questions that the lawyers ask, you understand the lawyers are duty bound to ask you questions concerning your qualifications to serve as a prospective juror in this case, you understand that, do you not?

MRS. WITT: Yes, sir.

THE COURT: Now, Mrs. Witt, in responding to these questions each person in the

room must hear you, so if you will keep your voice at a point that we all can hear you, and then in answering remember that you are under oath; will you do that, please?

MRS. WITT: Yes, your Honor.

THE COURT: Thank you.

Counselor Spellacy or Corrigan?

MR. SPELLACY: If it please the Court.

VOIR DIRE EXAMINATION OF GERTRUDE WITT

By Mr. Spellacy:

Q Would you tell us once again your full name, please?

A Gertrude M. Witt.

Q Where do you live?

A 4752 West 20th Street.

Q Are you married?

A Yes, I am.

Q What is your husband's name?

A Albert J. Witt.

Q And where is he employed?

A Cleveland Graphite Bronze.

Q What does he do there?

A He is in maintenance. He is a heating and ventillating man.

Q How long has he been with them?

A Over thirty years.

Q Are you employed, ma'am?

A Part time.

Q Where are you employed?

A I work five hours for Women's Federal as a clerk.

Q What branch do you work at?

A Downtown office.

Q Downtown, on Superior, is that correct?

A That is correct.

Q How long have you worked for Women's Federal?

A Oh, I started Christmas time giving out the gifts,
and they asked me to stay on.

Q This past Christmas?

A Yes, sir.

Q Prior to that --

A Prior to that I wasn't employed.

Q Do you have a family?

A Yes, I have two children.

Q Their names and ages?

A Mary Louise Witt, eighteen. She is a senior at
Cleveland State.

Peter, twenty-one, a senior at Ohio U.

Q You have a daughter who is eighteen?

A Yes.

Q And she goes to Cleveland State?

A Yes.

Q What year is she in there?

A Sophomore.

Q And your boy is where?

A Ohio University.

Q Ohio University?

A Yes, and he is twenty-one.

Q Now, have you ever been a juror before, Mrs. Witt?

A Yes, I have.

Q And when was that?

A Oh, about four years ago.

Q Was that on a civil case or criminal case?

A Civil.

Q And it was down at Lakeside and Ontario?

A Yes, sir.

Q Was there anything about that experience that would tend to prevent you from being fair and impartial in this case?

A No, sir.

Q Have you ever been a witness in any kind of a case?

A No, I have not.

Q Anyone in your family ever been a witness?

A No, sir.

Q Now, have you read or heard anything about this case?

A I don't pay too much attention to these things.

Q Do you understand that we are impaneling alternate jurors now in the case involving the State of Ohio against Sam Sheppard?

A Yes, sir.

Q And the duty of an alternate juror, of course, is to listen to the testimony, just as if you were one of the regular jurors, in the event you are called upon to move in and take the place of one, the place of the original twelve, you understand that?

A Yes.

Q Do you recall reading anything about this particular case?

A I remember the headlines, that's about all.

Q Did you ever form an opinion with regard to this matter?

A No.

Q Did you ever discuss this case with anyone?

A No that I know of.

Q Did anyone ever express an opinion to you with regard to this case?

A No.

Q Pardon me?

A I don't think so.

Q Well, as a result -- I might go back and ask you where

you think you might have read something about this case?

A I remember the headlines, I remember seeing the headlines.

Q Was that in a newspaper?

A In a newspaper.

Q Did you read any magazines with regard to this matter?

A No.

Q Any books?

A No, sir.

Q As a result of having read the headlines with regard to this case, did you form or express an opinion in this matter?

A Well, I guess so.

Q You had an opinion?

A No, I didn't until -- I'll tell you, at this time I adopted these two children and I was very much engrossed in my family that I just didn't pay too much attention to this.

Q So would it be a fair statement --

MR. BAILEY: Your Honor, I object and ask that the answer be stricken as not responsive.

A All right.

THE COURT: The answer may stand although it was not responsive. Objection

overruled.

Q Mrs. Witt, we are not trying to pry into your private affairs. We are just trying to obtain a jury that will be fair to both sides here, both to this defendant and to the people of Ohio?

A Yes, sir.

Q Is there anything about anything you read that would tend to prevent you from being fair to either side here?

A I don't believe so.

Q You see, Judge Talty will tell you later that if selected as a juror, that you will confine yourself only to evidence produced here in this courtroom?

A Yes, sir.

Q And you are to forget about anything else you might have read or heard and decide the case only on what you hear here in this courtroom?

A Yes, sir.

Q On the testimony and the physical exhibits that are offered and received into the evidence, those are the only things you are to concern yourself with, can you do that?

A Yes, sir.

Q And also that you must follow the law that Judge Talty gives to you; we have to forget about any law we might know or what we have heard about the law, and just take the law that Judge Talty gives to you; will you do

that?

A Yes, sir.

Q If Judge Talty would tell you that in a case there are two types of evidence, circumstantial evidence and direct evidence, and circumstantial evidence properly proven is just as good as direct evidence, would you follow that instruction?

A Yes, sir.

Q He will tell you also under our system of justice a defendant is presumed to be innocent until proven guilty, and the law places upon the State of Ohio the burden to prove him guilty beyond a reasonable doubt, and at the conclusion of the case Judge Talty will give to you the definition of reasonable doubt, will you follow that instruction and that definition?

A Yes, sir.

Q Do you have any members of your family or close friends who are members of the Cleveland Police Department or any law enforcement agency?

A No, sir.

Q Do you know any members of the County Coroner's Office?

A No.

Q It is anticipated that representatives of both the Cleveland Police Department and the County Coroner's Office will testify here.

Judge Talty will tell you that you are not to give their testimony any greater weight or any lesser weight merely because they happen to be a police officer or public official?

A Yes.

Q Would you follow that instruction?

A Yes.

Q You would weigh their testimony just like you would anybody else's, size them up, observe their demeanor, their candor, or believability, and that is the way you arrive at the truth of the matter?

A Yes, sir.

Q Do you know where Bay View Hospital is?

A No, I don't.

Q Do you know anyone connected with Bay View Hospital?

A No, sir.

Q Is there any reason, Mrs. Witt, why you couldn't sit in this case, be fair to both this defendant as well as to the people of Ohio?

A No, there isn't.

MR. SPELLACY: Pass for cause, your Honor.

MR. BAILEY: No questions. Pass for cause.

THE COURT: Gentlemen, I believe

the option is with the State of Ohio.

MR. CORRIGAN: The State of Ohio
is satisfied with Mrs. Witt as an alternate
juror.

MR. BAILEY: Challenge by the
defendant.

THE COURT: Mrs. Witt, each
of us participating in this proceeding wishes
to thank you for your willingness to serve as
a juror in this case if called upon.

The Court is now going to excuse you,
but before excusing you, the Court instructs
you, and I know that you will follow these
instructions, and you must follow them as a
matter of law.

In the event that you have an opinion
in this case, you are not, Mrs. Witt, to discuss
this opinion with anyone, not even your husband
or members of your family.

You are not to permit anyone else to
discuss their opinion with you, and these
obligations will remain with you and upon you,
Mrs. Witt, until such time as you know for a
certainty that a jury has returned its verdict
here in open court.

Do you follow those instructions?

MRS. WITT: Yes, sir.

THE COURT: And will you follow them, Mrs. Witt?

MRS. WITT: Yes, sir.

THE COURT: Thank you very much, and you are hereby excused.

Before calling our next prospective juror, ladies and gentlemen, I believe we will have our afternoon recess.

Ladies and gentlemen of the jury, while you are away on your afternoon recess, you shall bear in mind the instructions given you on each occasion when you leave this room.

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 of communication, and we will have our afternoon recess.

(Thereupon a recess was had.)