

Thereupon WILLIAM C. LAMB, being first duly sworn, was examined and testified as follows:

EXAMINATION OF PROSPECTIVE JUROR WILLIAM C. LAMB:

BY THE COURT:

Q Is your name, sir, William C. Lamb?

A Yes, sir, it is.

Q L-a-m-b?

A That's right.

Q And you live at 6078 Deering Avenue in Parma?

A Parma Heights.

Q Parma Heights?

A Yes, sir.

Q Oh, that's good. And how long have you lived at that Deering Avenue, Parma Heights address?

A Approximately two years.

Q And where did you live before that?

A On Maplecrest Avenue in Parma.

Q Have you a family, Mr. Lamb?

A Yes, sir, I do.

Q And what does your family consist of?

A Two girls, a boy and my wife.

Q And how old are the girls and the boy?

A The boy is two and a half and the girls are five and six.

Q And does that constitute your entire household? Is that

all the family there is in your household?

A That's right, sir.

Q What is your occupation, please.

A I am a construction superintendent.

Q For whom?

A Brookpark Construction Co.

Q He is a construction superintendent for the Brookpark Construction Co.

How long have you held that position?

A Oh, about two years.

Q Have you ever served as a juror before?

A No, sir, I haven't.

Q And have you ever been a witness in a case in court before?

A No, sir.

Q You were here, I take it, a week ago Monday morning when the Court presented the good people around the table here. Do you know any of them?

A No, sir, I don't.

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

A No, sir.

Q Or the sheriff or any member of his staff?

A No, sir.

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

A No, sir, I don't.

Q I would like to include your wife's family and yours when I mention family in this question. Are there any members of your family who are members of any Police Department or any law-enforcing agency of any kind anywhere, if you know?

A No, sir, there aren't.

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

A No, sir.

Q I take it, Mr. Lamb, that you have heard of this case before?

A Yes, sir, I have.

Q Read about it?

A Yes, sir.

Q And you have heard radio and television comments?

A Yes, sir, I have.

Q And have you discussed it with friends and neighbors or acquaintances or anyone?

A Possibly in the early beginning of it I did, sir.

Q Other people have discussed it with you?

A I beg your pardon?

Q Other people have discussed it with you or in your presence?

A Well, within the last few weeks they haven't definitely.

Q But at the beginning, when the news first broke, is that it?

A Yes, sir.

Q And as a result of anything that you have read, heard or

discussed with anyone or heard discussed, have you formed an opinion as to the guilt or innocence of Dr. Sheppard?

A No, sir, I haven't.

Q You understand, I hope and trust, that even though he is here charged with the crime of murder in the first degree, that at the moment he is presumed to be innocent, and the fact that he is here charged raises no presumption whatever as to his guilt. You understand that?

A Yes, sir.

Q And do you understand that he is to be presumed innocent all the time until the case is all over with, and he is then to be found innocent unless a jury is convinced from the evidence beyond a reasonable doubt that he is guilty? Do you understand that?

A Yes, sir.

Q That presumption of innocence stays with him.

And do you understand, too, that it is the function of a jury to weigh the evidence and decide whether Sam Sheppard is guilty or innocent, and that the Judge, the Prosecutor, the defense, there is no one in this world who can control the judgment of a jury on that question, they are the sole judges of the facts; do you understand that?

A Yes, sir.

Q And do you understand, too, that the facts are to be the facts that come from that witness stand where you now sit and

no others?

A Yes, sir.

Q And the instructions as to the law are to come from the Court to the jury?

A Yes.

Q And do you understand that without regard to who produces that evidence, whether it be a person of high station or common laborer, that the testimony is to be weighed and evaluated on the same basis exactly at the outset, without regard to who it comes from?

1 A Yes, sir.

Q That there is no difference whatever between witnesses at the outset. There is only one test, and that test is to go to all testimony: What is the truth? That is the real test.

Both sides of this trial table are asking one thing here, and one only, and they are entitled to that, and that is a fair and impartial jury. Do you believe that on the basis of what you know and do not know now, that you could disregard everything that is in the past and be guided here solely on the evidence and the instructions of the Court as to the law and give to Sam Sheppard an absolutely fair trial?

A Yes, sir, I do.

Q Have you since the 4th day of July of this year received any communication from anybody by any means on any matter that might be directed toward this case?

A Yes, I have.

Q What did you receive?

A It was that two-page letter. ✓

Q When did you receive it?

A I think it was the Saturday before last, about two weeks ago.

Q That's the Saturday before you came here?

A I think it was.

Q And you received it by mail, I take it?

A Yes.

Q Have you got it with you?

A No, sir, I don't. I tore it up.

Q Outside of the address on the envelope, I am wondering if you would look at Exhibits A-19, 20 and 21, and I will ask you to just look at those and see if you can tell if those are the same as what you received?

A Yes, sir, it is.

Q And you say you tore it up?

A Yes, sir, I did.

Q Did you read it?

A No, I didn't care to read it. I opened it up and saw what it was, and I noticed an article in the paper, I think it was in the Plain Dealer, that said that there were some of those letters sent out to prospective jurors. ✓

Q And do you know who sent you that letter?

A The only thing I remember is that there was a return address

from Florida, but I haven't the slightest idea.

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

A No, sir, I haven't.

Q The Court will say to you that we know who sent it to you, that the Sheppard family and their friends had absolutely nothing to do with it, not connected with it in any manner.

Would the fact that you received that communication have any influence upon you or affect your judgment at all?

A No, sir, it wouldn't.

THE COURT: Before the State gets to questioning Mr. Lamb, perhaps we could have a few minutes' recess at this point. And will you come back to the chair after the recess, please, and will you, ladies and gentlemen, be careful not to discuss this matter at all in the recess?

We will have a few minutes' recess.

(Recess taken.)

tke 31 sl
mg

(After recess.)

THE COURT: Mr. Lamb, I overlooked asking you one question that I intended to ask you.

I would like to know if you have any objection to capital punishment, in a proper case? ✓

MR. CORRIGAN: Objection.

THE COURT: Overruled.

PROS. JUROR LAMB: No, your Honor.

THE COURT: All right.

Mr. Danaceau. That gentleman is Mr. Danaceau, assistant County prosecuting attorney. He would like to put a few questions.

EXAMINATION OF PROS. JUROR WILLIAM C. LAMB

By Mr. Danaceau:

Q Mr. Lamb, I believe you said that you have for the past two years been construction superintendent for the Brookpark Construction Company?

A That's right, sir.

Q Is that a corporation or some individual that you work for?

A Oh, I presume you'd call it a corporation. It is three companies. Actually, it is three companies, you might say incorporated in one as the American Construction Company. It is the Brookpark Construction, Loesch & Green, and the American Trenching Company. Just recently they have taken

over the name of American Construction, but we still work as three separate companies, actually.

Q And what did you do prior to your employment as construction superintendent?

A I was a foreman for the same company.

Q And for how long?

A A year and a half, I would say.

Q Do I take it, then, that you have been there for three and a half years?

A That's right.

Q And what did you do before that?

A I did house work as a carpenter for a few years, I don't know, four or five or six years, I suppose.

Q You say that you haven't read anything lately about this case, but that you did early sometime in July?

A No. I said I might have discussed it early in July. I have read some things about it recently, yes.

Q And I believe in response to the questions of the Court, you stated that you have never expressed or formed any opinion one way or the other, of one kind or the other? <

A No, sir.

Q And anything that you might have heard would not affect you in any way whatever?

A That's right. <

Q The Court also explained to you that an indictment has been

returned charging this defendant with first degree murder, and that the indictment is not evidence, you are not to consider it as evidence at any time. Cuyahoga County has a Grand Jury, as does every County in the State, and in this case, as in all other cases, the Grand Jury does not hear the defendant or the defendant's witnesses. They hear such witnesses as are brought to it by the State of Ohio through the office of the prosecuting attorney, or any member of the Grand Jury may request some person to appear as a witness.

In this case, as in all other cases, therefore, the Grand Jury heard one side. It did not hear the other, and all that an indictment is is a charge and nothing else, and it is the burden of the State of Ohio, through the office of the prosecuting attorney, to present evidence here in open court, and if that evidence produced in open court convinces the jury beyond a reasonable doubt of the guilt of this defendant, then the jury should return a verdict of guilty.

120

You understand that?

A Yes, sir.

Q And, if, on the other hand, it fails to prove his guilt beyond a reasonable doubt, then it is the duty of the jury to return a verdict of not guilty.

A Yes.

Q You have to answer up.

A Yes.

Q In either event, you will follow that rule, will you not?

A Yes, sir.

Q Nothing that has appeared in the newspapers, or anything that has been said by way of gossip, or in any other way, are you to consider.

A No, sir.

Q In fact, you must consider only the testimony that is presented under oath on the witness stand and nothing else. Do you understand that, sir?

A Yes, sir.

Q And what you may have read or heard outside, or what you may hear even in this courtroom by the lawyers, for example, on either side of the table, is not to be considered as evidence. You understand that, sir?

A That's right.

Q If the lawyers make any comments during the course of empaneling this jury, or while this trial is being had, or if they say something in their statements, you won't regard any such statement as evidence, will you, in this case?

A No, sir.

Q If, for example, I, or Mr. Mahon, or Mr. Parrino, should say to you, "I believe this defendant is guilty," or, "I

have investigated this case and I know he is guilty," that is not evidence, and you will totally disregard any such statement, won't you?

A Yes, sir.

Q And if, on the other hand, Mr. Corrigan or Mr. Garmone or any of the other attorneys on the other side say, "I believe this defendant is not guilty," or, "I have investigated this matter and I know he is not guilty," you will pay no attention to that either, will you?

A No, sir.

Q That is not evidence and should be totally disregarded. In fact, all remarks are to be totally disregarded. You understand that, sir?

A Yes, sir, I do.

Q And the jury is to decide this case and come to its verdict solely on the basis of evidence that it receives and on nothing else except the law which Judge Blythin will give to it. You understand that, sir?

A Yes, sir.

Q And you are prepared to follow those instructions?

A Yes, sir, I am.

Q Now, the evidence that a jury gets comes from persons who appear on the witness stand and testify under oath, and in order to reach a verdict, the jury must ascertain where the truth is. Its function is to search for the truth, and

in order to get the truth, it must necessarily evaluate the testimony of the various witnesses. It has to decide which of the witnesses are telling the truth and which are not; it has to also decide, wholly apart from the truth, which of the witnesses are qualified to testify about the subject matter concerning which they testified. In other words, the jury decides what weight and credibility to give to each of the witnesses that is called here to testify, both by the State of Ohio and the defense. You understand that, sir?

A Yes, sir.

Q Now, of course, you treat all witnesses alike, no matter what their station in life is, whether they are ordinary citizens, or professional people, or police officers, or hold public office, you treat them all alike, and you don't believe anyone as against the other merely because of the title he has or the position that he holds. Do you understand that, sir?

A Yes, sir.

Q But there are guides, standards and rules which you may apply, and the Court will instruct you as to what those rules are. For example, a witness may have opportunity to know what the facts are concerning which he testifies to, and if he has those opportunities or access to the information, you may consider that as a rule, as a guide in

giving weight and credibility to his or her testimony.

You understand that, sir?

A Yes, sir.

Q A witness may have an interest in the outcome of the case. For one reason or another he may want one side of the case to win or the other side to win or one side to lose or the other side to lose. He has a personal interest in the outcome of the case, and because of that you may take that into consideration as to whether you may believe or disbelieve that witness, or what weight or credibility you may give to his or her testimony. Do you understand that, sir?

A Yes, I do.

Q The Court will instruct you that you may use your own experiences in life in order to determine whether a witness is telling the truth or not and what weight and credibility you give to his testimony, and you will apply those standards, will you not?

121

A Yes, sir.

Q You understand, of course, that it is the job of the jury to ascertain, to determine what the facts are, and it will be necessary for the jury to understand what the principles of law are that are applicable to the case both during the proceedings themselves and during the trial, and questions pertaining to the admissibility of evidence, or objections are made and the Court has to rule on that, you will take

those rulings from the Court?

A Yes, sir.

Q And no matter what the squabbles may be between the attorneys, you will totally disregard the remarks that the attorneys make, will you not, sir?

A Yes, sir.

Q But you will take the law as Judge Blythin will give it to you, if you are a member of this jury, will you not?

A Yes, sir.

Q And at the close of the case, the Court will give you the principles of law which you are to apply to the facts of the case, and you must accept those principles of law from Judge Blythin, no matter what your personal ideas may be about what the law is or ought to be, and are you prepared to do that, sir?

A Yes, sir, I am.

Q Now, generally speaking, there are two types of evidence: Evidence that is known as direct evidence and evidence that is known as circumstantial evidence. Do you understand those terms?

A Yes, sir.

Q And the Court will advise you that you may consider both types of evidence, and the Court will lay down the rules under which you are to consider both types of evidence.

Will you follow those instructions?

A Yes, sir.

Q You have no bias or prejudice in favor of one type of evidence as against the other, do you?

A No.

Q Are you in favor or against one type of evidence or the other?

A No. If it is a court ruling on circumstantial evidence, I mean that is -- that is the way --

Q You are aware, of course, of the fact that this is a case in which the defendant is charged with first degree murder. Under our law, if a jury brings in a verdict of first degree murder, it has the right to recommend mercy, in which case the death penalty would not be imposed. It also has the right, in a proper case, to bring in a verdict of guilty without recommending mercy, and if it does not recommend mercy, the penalty is death, and it will be the duty of the Court to impose that penalty if a jury returns that type of verdict.

Now, knowing that, sir, could you, in a proper case, properly proven, join with your fellow-jurors in returning a verdict of guilty?

A Yes, sir, I could.

Q Knowing that the consequences of that verdict will be death?

A Yes, sir.

Q You realize the seriousness of this type of a case?

A Yes, sir, I do.

Q And you realize the seriousness of the responsibility that all of us have and that you, as a juror, will have in this type of a case?

A Yes, sir.

Q And you are prepared, are you, to assume that responsibility?

A Yes, sir.

Q And to decide this case fairly and squarely?

A Yes, sir.

Q And let the chips fall where they may?

A That's right.

Q And without bias or prejudice of any kind, sir?

A Yes, sir.

Q And without sympathy for the defendant or for members of his family?

A That's right.

MR. DANACEAU: We pass for cause.

THE COURT: That is Mr. William J.

Corrigan of the defense. He would like to put some questions.

EXAMINATION OF PROS. JUROR WILLIAM C. LAMB

By Mr. Corrigan:

Q Mr. Lamb, this is Sam Sheppard, the man that is on trial. This is Mr. Petersilge, Mr. Garmone, and my son, and we have

the obligation of defending this man who is on trial for his life, and for that reason I want to ask you some questions touching upon your qualifications as a juror here and whether we wish to retain you as a juror in this case. That is clear?

A Yes, sir.

Q Were you born here in Cleveland, Mr. Lamb?

A No, sir. I was born in Philadelphia.

Q And how long have you been in Cleveland?

A Approximately six years as a resident here.

Q And when you were in Philadelphia, what was your business?

A Well, when I graduated from high school I went into the service from there.

Q And after that?

A Then I took up residency in Cleveland.

Q Took up what?

A Residency in Cleveland.

Q And followed the trade of carpentry?

A Yes, sir.

Q And you are a carpenter?

A I am a carpenter by trade, sir, yes, sir.

Q Now, the American Construction Company, for whom you are now superintendent, where is that located?

A At 4100 Brookpark Road, Cleveland.

Q And who owns it?

A Well, there are probably four owners. Mr. Green -- two Mr. Greens and Mr. Lewis and Mr. Clark, I believe.

Q And do you do public construction such as sewers and sidewalks and schoolhouses?

A Our American Construction Company does it. We at Brookpark -- our end of it is asphalt and general construction, commercial construction.

Q And you bid on work in various municipalities?

A Yes, sir.

Q Has your company done any work for the city of Bay Village, that you know of?

A Not to my knowledge.

Q You are not very far away from Bay Village, either your residence or your business, is that correct?

A That's right.

Q A couple of miles?

A I'd say 15, 20 miles, I presume.

Q Well, Brookpark and Parma -- you wouldn't be 15 or 20 miles, would you, from Bay Village?

A Well, I presume it is at least half an hour's ride.

THE COURT: It is quite a ways.

I would say it is 10 to 12 miles.

PROS. JUROR LAMB: It is near State Road.

THE COURT: He is on the easterly end -- not the easterly end, but he is easterly in

Parma.

PROS. JUROR LAMB: We are just up a few doors from State Road.

THE COURT: Sure.

122 MR. CORRIGAN: I didn't think it was that far from 'downtown.

THE COURT: It is quite a distance.

PROS. JUROR LAMB: It is 12, 13 miles from town.

THE COURT: He lives close to where I live and I am exactly 10 miles from the Public Square, and I would say it would be about the same distance across over to the lake that way.

MR. CORRIGAN: Well, all right. I am kind of mixed up in my geography, I guess.

Q Do you know whether your company has submitted bids to that City of Bay?

A No, sir, I don't.

Q You do not know?

A No, sir.

Q Do you, by chance, know the Mayor of the City of Bay, Mr. J. Spencer Houk?

A No, sir, I don't.

Q Are you acquainted with any of the officials of that city?

A No, sir, I am not.

Q Mr. Gershom Barber, Mr. Lester Hunt are councilmen.

A Never heard of them.

Q Mr. Weigandt, who is the Solicitor.

A No, sir.

Q Don't know them at all. Now, during July and continuously since that time there has been, as you know, a great deal of publicity about Dr. Sam Sheppard.

A That's right.

Q And it is continuing in unceasing tempo right down to the present time. You know that, don't you?

A That's right.

Q And will continue through this trial. Do you understand that there has come to this courtroom and to this Courthouse not only the outstanding reporters of the Cleveland papers, but a galaxy of stars of various papers throughout the United States? You know that, don't you?

A Yes, sir, I do.

Q You have seen such names as Dorothy Kilgallen and Tully, Lotto and Bob Considine; you are familiar with those names?

A I have heard them all, sir.

Q And Davis and Theo Wilson. You have heard all those names around this Courthouse and know they are here?

A I do. I haven't heard the names -- I mean I know of a couple of the names that really stick in my mind, but --

Q Was your picture taken when you came into the courtroom as

you came down the hall? ✓

A Just now.

Q A little while ago?

A You mean on my way in? ✓

Q Yes.

A In the hall it was, yes. ✓

Q In the hall? ✓

A Yes.

Q You noticed a number of newspaper photographers in the hall?

A I think at that time there were only two or three men there, if I am not mistaken, but I wasn't looking to see. ✓

Q Well, you noticed that everybody that sits on this jury, that their picture gets in the paper? Did you notice that?

A Yes, sir. ✓

Q And yourself, probably, -- yours probably will, too. Of course, we have no control over that, you recognize that, don't you, Mr. Lamb, that that is beyond the control of Sam Sheppard?

A Yes, sir.

Q Does that affect you in any way?

A No, sir, it doesn't.

Q It does not. Now, did you discuss the matter when it appeared in the paper with anybody, with men that you work with, or with your wife, or with your friends, or in any gatherings, did you hear this matter discussed or did you

discuss it?

A I discussed it in the beginning, as I say, when it first came out in the papers. ✓

Q Who did you discuss it with, Mr. Lamb?

A I presume my wife. I mean I just can't recall. It's been quite a few months ago now. ✓

Q You, yourself, did you talk to anybody that claimed to know something about the facts in the case?

A No, sir, I didn't.

Q Is your entire information that you had, that you discussed perhaps with your wife -- was that obtained from the newspapers?

A Yes, sir.

Q Do you have a newspaper delivered to your home?

A Yes, sir, we do. We get the Press and the Plain Dealer. ✓

Q In reading about this matter did you read editorials that were printed by the Cleveland Press, that were headed "Quiz the Top Suspect," meaning Sam Sheppard? "Bring him in. Give him the third degree." And editorials along that line? Did you read those? ✓

A No, sir, not specifically those. I mean I wasn't really that much interested in it.

Q Well, they were on the front page in rather bold type, and if you read them, you would probably remember them. You say you didn't read them?

A I can't remember reading them specifically. I just can't recall back that far, I mean in this particular case.

Q All right. Will you say now that as far as you are concerned that if you did read them -- and you don't know whether you did read them or not -- but if something calls them back to your mind, will you disregard them and determine -- give your judgment only on what you hear now, not what some newspaper says about it?

A I most certainly will.

Q Now, in the matter that you read in the papers, did you get the information that Marilyn Sheppard was murdered in her bed, and that she was murdered by a great number of blows that were reined upon her head?

A Yes, sir.

Q You know that?

A Yes, sir.

Q Now, keeping that in mind, and that rather repulsive type of murder, and sitting here in this courtroom to possibly be a judge in this case, and knowing that Dr. Sam Sheppard has been indicted by the Grand Jury and he now sits here with that charge of first degree murder, in the prisoner's dock, does that fact -- do those facts at this time raise in your mind any prejudice against him?

A No, sir, it doesn't.

Q And do you adhere to the law, or do you believe in the law --

some men in this country don't believe in our law, you know that, don't you?

A Yes. I most certainly do.

Q And I want to ask you if you believe in this law that is the law of the nation and the State of Ohio, that every person, even though they are indicted, even though they are charged with crime, even though they are forced to defend themselves, are presumed to be innocent until the prosecution proves their guilt to you by evidence beyond a reasonable doubt? Do you believe in that law?

123 A Yes, sir, I do.

Q And you will adhere to it?

A Yes, sir.

Q Now, we will have a conflict in evidence here. The jury under our law is the sole judge of the facts, nobody can interfere with the judgment of the jury on the facts, that is, as to what happened, how it happened, who says it happened, the place it happened, the circumstances under which it happened, those are all facts. You understand that?

A Yes, sir.

Q And you are the sole judge of those facts. The law that guides you in applying those facts is deposited in the Court, Judge Blythin, and he will tell you, for instance, what first degree murder is under the law, what second degree murder is, what manslaughter is; he will tell you

what that is and how it is defined by law, and that you must accept from him that definition and those rules.

A Yes, sir.

Q Are you prepared to follow the Judge -- the charge of law as the Court will give it to you?

A Yes, sir.

Q You will not substitute any ideas of your own as to what the law should be?

A No, sir, I won't.

Q Now, as I say, we have a conflict -- we may have a conflict between these facts. Some people may testify for the prosecution that the facts were so, while we may bring evidence contradicting those facts or raising some question about them. We expect that some of this evidence will be produced by police officers, and I ask you this question:

If you have a conflict of facts, if police officers testify on one hand and we have ordinary citizens testify on the other hand as to a certain happening or fact, would you give more credit to the testimony of the police officer than you would to the testimony of an ordinary citizen solely because they are police officers?

A No, sir.

Q You would not. You would weigh them --

A Equally.

Q And that would also be true, Mr. Lamb, or would it also be

true, Mr. Lamb, as to the testimony of people from the Coroner's office or the Coroner of the County, who is a doctor, and doctors that he may bring here, and we will bring doctors and they will testify on the side of Dr. Sam Sheppard, and if it is necessary he will testify himself, he is a doctor -- now, would you give more weight to what the doctors from the Coroner's office or hired by the Coroner would say about this case, or hired by the prosecution would say about this case than you would give to our doctors solely because they come here as representatives of the State?

A No, sir, I wouldn't.

Q You would not. Now, if you are accepted as a juror in this case will you make up your own mind about the facts?

A Yes, sir.

Q You won't let anybody make it up for you?

A No, sir.

Q And if you are accepted as a juror on this case, will you state that you will not allow anybody to talk to you about the case?

A Yes, sir.

Q That you will not be influenced by anybody?

A Yes, sir.

Q And that you will not talk to anybody about the case?

A Yes, sir.

Q Will you state to me, as attorney for Sam Sheppard, that if you are accepted as a juror on this case that you will base your decision wholly and solely upon what you hear in this courtroom under the rules of law?

A Yes, sir.

Q Now, there is just one other question I want to ask you, Mr. Lamb,--well, maybe two or three I want to ask.

The indictment charges that Sam Sheppard killed his wife, Marilyn, unlawfully, purposely and of deliberate and premeditated malice. Now, you understand all those terms?

A Yes.

Q Unlawfully, purposely, deliberately and of deliberate and premeditated malice.

Now, the elements are that he killed her, and that he did that unlawfully, purposely and of deliberate and premeditated malice.

Now, you understand all those terms?

A Yes, sir.

Q That is the way first degree murder is charged, and that charge was first degree murder, and a verdict of guilty of first degree murder carries with it a penalty of death unless the jury recommends mercy. You understand that?

A Yes, sir.

Q Now, if the Court charges you that it is necessary upon the part of the State to prove each one of those things that

make up the crime of first degree murder before they are entitled to a verdict and by evidence beyond a reasonable doubt, that the proof of one or two or part of the things are not sufficient, do you subscribe to that law?

A Yes, sir.

Q Now, in this charge of first degree murder in this indictment that is brought here, the construction of the law is such that includes other crimes besides first degree murder. It includes the crime of second degree murder, it includes the crime of manslaughter, it includes the crime of assault and battery and assault, and just as in first degree murder, each one of those crimes have certain elements that must be proven before a verdict of guilty can be returned by a jury, if they follow the law.

Will you require the State of Ohio, before you return a verdict of any degree of crime here, to prove by evidence beyond a reasonable doubt that Sam Sheppard did it?

A Yes, sir.

Q Now, we expect the evidence to show -- by the way, in reading these newspapers did you read of Susan Hayes?

A Yes, sir.

Q Did you see her picture in the paper?

A I believe I did.

Q Did you read in the newspaper that she had stated to a newspaper reporter that she had certain intimate relations with

Sam Sheppard, and he later reported that, and it was broadcast through the city in the newspapers?

A I presume I did, yes. ✓

Q Would that fact prejudice you now against Sam Sheppard?

A No, sir, it wouldn't.

Q Now, we expect that the State of Ohio will produce here or attempt to produce here some circumstantial evidence, and there is a rule laid down in our law as to how a conviction shall be returned upon circumstantial evidence, and if the Court charges you that that rule is along this line:

When reliance for conviction is placed on circumstantial evidence, the facts and the circumstances upon which the theory of guilt is placed must be shown beyond a reasonable doubt, and when all these facts and circumstances are taken together and considered, the circumstances surrounding Sam Sheppard and the matters that he brings in here, and they are all taken together, they must be irreconcilable with his claim of innocence and must admit of no other supposition except his guilt -- if the Court says that is the law and charges you that way, is that the way you will apply circumstantial evidence?

A Yes, sir.

Q Now, will you, in returning your verdict, in any way be swayed by public opinion or by what people may think of your

verdict, or what some individual may think of your verdict?

A No, sir, I should say not.

Q Now, I have asked you quite a number of questions, Mr. Lamb, and solely because I think it is my duty to find out what your mental reactions are on these matters. Do you know of anything that you haven't been asked that arises in your own mind or did arise in your own mind before you came to this courtroom, or since you have come to the courtroom, that would cause you to feel that you couldn't be a fair and impartial juror, that something might interfere with it?

A Nothing would interfere, no.

Q What?

A No.

Q Nothing that occurs to you?

A No, sir.

Q You realize this is a young man, don't you?

A Yes, sir.

Q Do you think that you would be the same kind of a juror that you would want you, yourself, to have if you were on trial?

A Yes, sir, I do. ✓

Q The same kind of a juror that you would want your little boy to have when he grows up if he gets into some difficulty, do you feel that you are that way?

A Yes, sir. ✓

Q That kind of a man?

A Yes, sir, I do. ✓

MR. CORRIGAN: Pass for cause.

THE COURT: The next peremptory is
with the State, gentlemen.

MR. MAHON: If your Honor please,
the State is satisfied with the jury as now
constituted.

THE COURT: Defense.

We will be at ease a moment, ladies and
gentlemen, while counsel have a consultation, which
is perfectly proper and quite usual.

MR. PETERSILGE: Your Honor, the defense
requests that you excuse No. 6, Mr. Brown. ✓

(Thereupon Prospective Juror Fred Brown
was excused.)

THE COURT: What about Virginia Lee
Sinclair? I do not have any record of having
excused her.

MR. GARMONE: She was excused, your
Honor.

THE COURT: All right. Which one
have you got? We have now Harold F. Plagens. No. 65.
We excused Virginia Lee Sinclair.

MR. CORRIGAN: She is in Mexico City.