

THE BAILIFF: Mr. McMorris, will you take the witness chair, please.

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

THE COURT: Good afternoon, Mr. McMorris. You will have to keep your voice up. Are you a little nervous, Mr. McMorris?

MR. McMORRIS: No, sir.

THE COURT: That's fine. Keep your voice up, then, because the lawyers are going to be asking you some questions, and Mr. Romito, who sits in front of you, he must record and report all of your answers.

You understand that, do you?

MR. McMORRIS: Yes, I do.

THE COURT: If you will speak up, keep it a little louder, can you?

MR. McMORRIS: Sure, I can.

THE COURT: Very good. We want everyone in the courtroom to be able to hear you. So, Mr. McMorris, you know you are under oath?

MR. McMORRIS: Yes, I do.

THE COURT: The lawyers are going to be asking you questions, which you will answer accurately and forthrightly, you understand that?

MR. McMORRIS: Yes, sir.

THE COURT: You will have to do better than that.

MR. McMORRIS: Well, I am just speaking to you now,

THE COURT: All right, fine.

Counselor Spellacy or Counselor Corrigan?

MR. SPELLACY: Yes, if it please the Court.

VOIR DIRE EXAMINATION OF JOHN A. McMORRIS

By Mr. Spellacy:

Q Sir, will you tell us your full name?

A John A. McMorris.

Q Very good. Will you spell your last name, please?

A M-c-M-o-r-r-i-s.

Q Where do you live?

A 2164 East 84th Street.

Q Sir, you have a tendency to drop your voice. What was that address, again?

A 2164 East 84th.

Q And are you married, sir?

A Yes, I am.

Q How long have you lived at that address?

A Oh, about thirteen years.

Q Thirteen years?

A Yes.

Q Prior to living on East 84th Street, where did you live?

A 85th Street, fifteen years.

Q Fifteen years on East 85th Street, is that right?

A Yes.

Q Do you have a family, sir?

A No, just my wife and I.

Q Just your wife and yourself. Are you employed?

A Yes, I am.

Q Where are you employed?

A Midland Ross.

Q How long have you been employed there?

A Twenty years.

Q What do you do at Midland Ross?

A Press operator.

Q Is that on Madison Avenue and Berea Road, is that where you work?

A That's right.

Q Did you work there for twenty years?

A Yes, I have.

Q Is your wife employed?

A Yes, she is.

Q Where is she employed?

A Western Reserve Infirmary.

Q Western Reserve Infirmary?

A Yes.

Q What does she do there?

A She is a nurse's assistant.

Q How long has she been employed there?

A This is her second year.

Q Where did she work before that?

A Well, domestic.

Q Do you know what her duties are as a nurse's assistant at the Infirmary?

A Yes, she admits studentpatients and discharges them when the doctor gives them the orders.

Q This is at the Infirmary for the University, is that correct?

A That's right.

Q As distinguished from the hospital?

A That's right.

Q From University Hospital, is that right?

A That's right.

Q She is an assistant to the nurses there?

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A Yes.

Q Have you ever served as a juror before?

A No, I haven't.

Q This is your first experience?

A First experience.

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

A No, I haven't.

Q Any member of your family ever served as a juror?

A My wife has served, but I don't know what capacity.

Q She served as a juror?

A She was a juror.

Q Do you know when that was?

A Several years ago.

Q Her experience wouldn't tend to influence you in any way, would it, in this case?

A None whatsoever.

Q Has any member of your family ever been a witness in any kind of a case?

A Not that I know of.

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

A Yes, I do.

Q Have you read anything about this case at any time?

A Yes, I have.

Q Would you tell me when it was that you read something about it, if you can recall?

A Well, during the first trial and here recently.

Q Now, was this in the newspapers that you read it?

A Yes.

Q Would it have been the Cleveland papers?

A Naturally.

Q Have you read any books or magazines with regard to this case, yes or no?

A Yes, I have.

Q Have you read a book about it?

A Yes, the --

Q Just answer.

A Yes, I have.

Q And have you read magazines?

A Yes.

Q Now, as a result of reading newspapers and magazines and books, have you formed or expressed an opinion about this case?

A I think I have, an opinion.

Q Your answer would be yes, then.--

A Yes.

Q --that you have an opinion?

A Yes, sir.

Q Is this a fixed opinion?

A Well, I don't know whether it is fixed or not, but --

Q Well, is it an opinion that would prevent you from listening objectively to the facts presented here in this courtroom?

A I think it would.

Q It then would prevent you from being fair to either side in this particular case, is that right?

A I am pretty sure that my opinion would.

MR. SPELLACY: Challenge for cause,
if your Honor please.

THE COURT: Mr. McMorris, do
you believe your opinion is so fixed that you
could not be a fair and impartial juror to both
the State of Ohio and the defendant in this case,
if you were selected as a juror, after you had
heard the evidence in this courtroom?

MR. McMORRIS: I believe it would,
Judge, your Honor.

THE COURT: I don't want --
there is no other question before you.

MR. SPELLACY: The same challenge.

THE COURT: May I see Counselors?
(Thereupon Counsel and the Court conferred at the
Court's bench out of the hearing of the jury panel,
as follows:)

THE COURT: Do you wish to speak on the challenge, Counselor Bailey?

MR. BAILEY: My original objection, I will like to know what the opinion is, and if he says his opinion is that Sam Sheppard did not do it, that the question be put to him, if the State produces evidence right here in this courtroom regardless of what you earlier heard, and be satisfied beyond a reasonable doubt that he did do it, would you be able to convict him.

I suspect this fellow may have an opinion of innocence, since he indicates he read the books.

THE COURT: The book or a book?

MR. BAILEY: Well, there is one, a best-seller, I am assuming it is on the Sheppard case. He was not asked which one. But either one is a conclusion that is strongly in favor of the defendant.

THE COURT: Do you have anything further you wish to address?

MR. BAILEY: No, those are the questions I will like to have put to him out of the presence of the present panel members.

THE COURT: Are you opposing the request for challenge for cause?

MR. BAILEY: At this time.

THE COURT: The State's challenge for cause will be granted.

(Thereupon proceedings were resumed within the hearing of the jury panel, as follows:)

THE COURT: Let the record show that the State's challenge for cause is granted.

Mr. McMorris, you are going to be excused, sir, as a prospective juror in this case.

But before you are excused, sir, the Court instructs you that you shall not discuss this case or what little you have heard about it, or what your opinions may be with respect to the merits of it, with anyone, including your wife.

Do you understand that?

MR. McMORRIS: I do.

THE COURT: And you shall not permit anyone else to discuss it with you, and you shall not permit yourself to participate in any interviews of any type with respect to the merits of this case.

Do you understand that?

MR. McMORRIS: I do.

THE COURT: And you shall not discuss this case or express any opinion until such time, sir, as you learn for a certainty that a jury in this case has returned its verdict here in open court.

Do you understand that?

MR. McMORRIS: Yes.

THE COURT: Now, if at any time a question arises in your mind as to what these instructions mean, before you make a statement to anyone or permit anyone else to talk to you about this case, you come to me. Do you understand that, sir?

MR. McMORRIS: Yes.

THE COURT: Thank you, sir, and you are now excused.

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