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Press 11-3-57

Courtroom Drama Unfolds as Manning Is Excused as Juror

Here is the step by step, word by word drama which removed Juror No. 6 from Dr. Samuel H. Sheppard's murder trial panel:

When court opened at 9:30 a. m. Assistant Prosecutor Saul Danaceau said: "A juror has asked for permission to address the court."

Judge Blythin then asked Juror No. 6, James R. Manning, to come to the witness chair and told him to speak.

With his hands clasped in front of him, Manning leaned forward and spoke swiftly and clearly.

"It has come to my attention that an unfortunate event of my past life has come to light. This has caused a great disturbance to my family, neighborhood and friends and has so unnerved me that I'm physically and emotionally unable to serve on the jury and would like to be excused.

So Far Removed

"When I was on the witness stand I thought I answered all the questions honestly. What was in the past, I felt, had been investigated and was so far removed that I thought it had no bearing on the case."

Q.: (By Blythin) Have you talked with anybody, counsel or otherwise, about this case since Friday?

A.: No. My wife told me about it on Friday but I haven't talked to anyone else about the case.

Q.: I want you to know that some newspapers carried stories that your pastor made certain requests of the court. This report is not true. Your pastor came in to see me and I informed him that we could not discuss it at all. That it was not before me in the court. Your pastor said he understood and bid me good-day. I would like to ask you, did you testify in 1943?

Defense Overruled

Objection by Defense Lawyer W. J. Corrigan overruled.

A.: Yes, I did.

Q.: Then why did you answer no when you were asked if you had been a witness?

A.: As a layman, I did not understand that that meant I had been a witness.

Q.: (By Corrigan) Mr. Manning, when you were chosen as a juror you swore that you would well and truly try this case, is that right?

A.: Yes.

Q.: When you took your place in the jury box you said you would base your decision entirely on what you heard in this courtroom and instructions of the court. Is that right?

A.: Yes.

Q.: If you remain as a juror, is there any reason why you could not do this?

A.: In my present emotional and mental frame of mind I could not be unbiased and impartial.

Q.: How did you get into this frame of mind?

A.: By the bringing up of my past.

His Wife Told Him

Q.: How did you know about the fact that this was brought up?

A.: My wife heard it on the radio. I did not hear it, but she told me about it.

Q.: Is it right that this happened 11 years ago when you were 27 and you have since fathered two boys and for the past 11 years you have lived a normal life?

A.: Yes.

Q.: Going back, do you know whether you were sworn as a witness or not?

A.: As far as I can understand, I was.

Q.: And during the course of this inquiry your attorney suggested you had made a mistake and that you had a wife and two-year-old baby and if it could be arranged you would plead guilty to assault and battery, do you remember this?

A.: No sir. All I remember is that it started in the court and we adjourned to the judge's chamber.

Calls It Outrage

Q.: I believe we must see the journal entry. I want to say I think it is an outrage that this man has to be subject to this situation."

Manning asked permission to say something and then said:

"When I came down to serve as a juror I did what I thought a good citizen should do. I knew it would interfere with my job and my making a living but I didn't care about that.

"I thought I spoke unbiasedly. After what has happened I will not be able to sit and listen. It is an emotional thing I'm talking about. If this keeps up I think I could have a nervous breakdown. In fact, I think I'm ready for one right now."

Judge Blythin said: "The Constitution provides that a person should not be put in jeopardy twice and the Legislature of our state has gone into great detail in an effort to make sure that every person should have a fair and impartial jury.

"The state's statutes provide for alternate jurors whose function it is to step in, listen to the evidence, and replace any juror who may become ill or disqualified.

Excused as Juror

"At the outset, this gentleman has made a horrible mistake but the court has no difficulty whatever in stating that this man not only is disabled and also disqualified and therefore he is excused as a juror."

After an exchange of legal arguments between the prosecutors and defense lawyers, Corrigan stood up. He waved a copy of Monday's Press and asked:

"How is it your honor, that The Cleveland Press has your decision in a headline on Monday when you didn't make that decision until today?"

The judge replied: "You'll have to ask The Press."

A few minutes later Judge Blythin had Manning again in the witness chair and told him:

"The court wants to make a

few things clear. I can assure you for myself, for counsel on both sides of the table, and for everyone present, that we are all horrified by what happened here.

"It is bad that you made it possible by inadvertence, or however else it may have hap-

pened. "I am assuming that you have been a good husband and father since this incident happened in 1943. You certainly look like a decent citizen.

"It is my hope as you leave here that your family, friends, neighbors and the community as a whole feel as charitable to-

ward you as we do here. "I hope that this matter will pass on as all things in this life pass on, and these scars may soon heal. You are excused, Mr. Manning."