

THEREUPON, CHARLES STEPHENS, a member of the prospective jury panel, having been previously sworn, was examined on voir dire, as follows:

VOIR DIRE EXAMINATION OF CHARLES STEPHENS

By Mr. Corrigan:

Q Would you state your name, please?

A Charles W. Stephens.

Q You live, sir, at 3929 East 186th Street?

A That is correct.

Q How long have you lived at that address, sir?

A Since January of 1964.

Q Where did you live prior to January of 1964?

A 595 East 105th.

Q And how long did you live at that address?

A Oh, four years.

Q And that would take us back to 1960, is that correct?

A Correct.

Q Where did you live before 1960?

A Alk Avenue, 10715 Alk.

Q How long did you live there?

A From 1957 through 1960.

Q Where did you live prior to 1957?

A Let's see, on East 100th Street, 1261.

Q How long did you live at that address?

A From '55 to '57.

Q Where did you live before 1955?

A On East 93rd and Hough.

Q And how long did you live there?

A From '52 to '55.

Q How old are you now, sir?

A Thirty-eight.

Q How far did you attend school?

A The tenth grade. The tenth.

Q Sixth grade?

A Tenth grade.

Q Was that in Cleveland here?

A No.

Q What schools did you attend?

A It was in Jeffersonville, Georgia. Jeffersonville, Georgia.

Q I am sorry, I did not hear you. Keep your voice up, please.

A Jeffersonville, Georgia.

Q When did you leave Jeffersonville, Georgia?

A July, 1946.

Q When you came here, did you come with other members of your family, or did you come alone?

A I came with other members of my family.

Q Who were the other members of your family?

A My aunt and uncle.

Q Any brothers or sisters?

A I have brothers and sisters but they did not come with me.

Q They did not come with you?

A No.

Q Are your parents living, sir?

A My father.

Q Is he living in this area or elsewhere?

A He is living in Macon, Georgia.

Q Macon, Georgia?

A Yes.

Q What is the name of your aunt and uncle that you came here to Cleveland with?

A Lillie Harvey and Lee Morgan.

Q Did you live with them as a young boy here in Cleveland?

A Yes.

Q In 1954 were you employed?

A Yes.

Q What was your employment?

A Mail carrier.

Q Mail carrier in the city of Cleveland?

A Yes.

Q How long have you been a mail carrier?

A Since 1954.

THE COURT: I cannot hear  
him, Counselor. I cannot hear him.

Q If you will talk loud enough so that the people in  
the back of the courtroom will hear you, then all of us  
will be able to hear you.

Are you married, sir?

A Yes.

Q What is your wife's name?

A Neace.

Q Do you have any children?

A One.

Q Is that a boy or a girl?

A Boy.

Q How old is he?

A Thirteen.

Q When were you married, sir?

A December, 1951.

Q Before working for the United States Postal Service,  
what was your employment, if any?

A Republic Steel.

Q What did you do at Republic Steel?

A Just general labor work.

Q Do you know anybody from the Prosecuting Attorney's



Office?

A No, I don't.

Q Do you know Judge Talty?

A No, I don't.

Q Do you know anybody on this side of the table, Mr. Bailey or Mr. Sherman or Sam Sheppard?

A No, I don't.

Q Have you, sir, or any member of your family ever been involved in a criminal matter as a victim or a witness or otherwise?

A Not of my knowledge.

Q Have you had any previous jury service?

A No.

Q Did you have occasion to read or hear about the case that is on trial here now?

A Well, the news, daily papers.

Q When was the first time as best you can recall, reading something in the daily papers?

A When was the first?

Q Yes.

A Well, it was back in --

Q Keep your voice up.

A Back in '54 when it occurred.

Q What papers, what daily papers did you read of this matter?

A Well, that I can't remember, whether it was the Press or the Plain Dealer, but it was a Cleveland paper.

Q Did you follow the account in the papers closely?

A No, I didn't.

Q Do you remember the details that you read in the paper?

A No, I can't.

Q And did you hear of it elsewhere, on any other news media, television or radio?

A Radio, television.

Q Did you follow the details closely on radio or television?

A No, I didn't.

Q Did you have occasion, sir, to discuss this case with anyone?

A No, I would say no.

Q Now, this morning when you were in this courthouse with other prospective jurors, before you came into this room, did you have occasion to discuss that you might be seated on the Sheppard trial?

A No, sir.

Q Has anyone discussed this case with you?

A No, sir.

Q Do you recall any discussions among postal employees, either in 1954 or anytime following 1954 relating to this

matter?

A Well, there was a general talk about it, you know, but I can't remember the details, don't remember anything about it.

Q Now, Judge Talty will instruct you that you as a juror with your fellow jurors will be charged with the responsibility of determining the facts of this case, and then he will advise you as to what the law is applicable to those facts.

If you are selected as a juror, sir, would you be able to accept the law as Judge Talty tells you to accept it, even though you might disagree with it, or you might have an idea that the law should be different?

A Will I?

Q Yes, sir.

A Yes.

Q You know, all of us, particularly because of the movies and television sometimes have an idea that the law should be one way or another.

If you have such an idea, will you be able to put that out of your mind, and accept it as Judge Talty tells you the law to be?

A Yes.

Q Predicated on what you read in the newspapers, and any discussion that you may have heard or had with anyone,

did you ever formulate an opinion as to the guilt or innocence of this defendant?

A No.

Q Do you have any physical defects that would render it a hardship if you were selected as a member of this jury?

A Not to my knowledge.

Q Judge Talty, I presume, will instruct you that you may accept all or part or some of the testimony of a witness, and that you will have to determine what portion if any, or all of that particular witness is telling is true.

Now, in arriving at that conclusion, will you use your every day, ordinary sense in measuring up and evaluating the prospective witnesses that will testify in this matter?

A Yes.

Q Regardless of who they may be?

A Yes.

Q Judge Talty, I presume, will tell you that there are different kinds of evidence.

He will tell you that there is what is known as direct evidence, and what is known as circumstantial evidence.

If, for example, he tells you that circumstantial



evidence is just as good as direct evidence, if properly proven, will you accept that instruction?

A Yes.

Q Assuming that you are selected as a juror, and the time comes when the jury will deliberate on the question of the guilt or innocence of this defendant, will you, serve, join with your other jurors in a full and complete discussion of all of the evidence and the facts as you determine them to be in this case, with a view in mind of arriving at an objective and a fair and impartial verdict?

A Yes.

MR. CORRIGAN: Pass for cause,  
your Honor.

THE COURT: Thank you.  
Counselor Bailey or Counselor Sherman?

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VOIR DIRE EXAMINATION OF CHARLES STEPHENS

By Mr. Bailey:

Q Mr. Stephens, I understand that in 1954 you were not a regular subscriber to any Cleveland newspaper?

A No.

Q But you did from day to day, pick up a copy, whether it be a copy of the Press, Plain Dealer, or the News and leaf through it?

A Yes, sir.

Q I take it during the summer and fall months of that year you read considerable information about Doctor Sheppard's case?

A There was quite a bit, yes.

Q Do you recall reading any editorials about the case, what should be done, and so forth?

A No.

Q Now, you learned in the course of these reports, during the period from July to December of 1954, that a woman named Marilyn Sheppard had been killed?

A Yes.

Q Do you recall that?

A Yes.

Q And do you recall that her husband was a doctor?

A Yes.

Q This defendant here?

A Yes.

Q And do you recall at some point an investigation was made?

A Yes.

Q And that he was subsequently arrested?

A Yes.

Q And later on a grand jury indicted him?

A Yes.

Q And that he was tried?

A Yes.

Q Do you recall reading what the result of that trial was?

A I recall, but as far as I can recollect, I think it was guilty.

Q Now, have you read anything since that report about the guilty verdict as to subsequent developments in the case?

A I read periodically about it, that's about all I can say.

Q Do you know from what you have learned from outside sources, why we are having another trial today?

A Yes.

Q Why is that, what did you learn about it?

MR. CORRIGAN: Objection.

THE COURT: Sustained as to form.

Q Had you learned that on appeal, the original conviction was set aside by a higher court?

MR. CORRIGAN: Objection, your Honor.

THE COURT: Sustained, again, as to form.

The substance will be permitted if

properly laid.

Q From where did you derive your information about the subsequent developments in the case that we are talking about?

A From the Press. When I say the Press, I mean the newspaper.

Q You read about it in the newspaper, you read about it on television?

A I heard it on television.

Q Did you read that the highest court in the United States had voided the conviction?

A No.

Q You did not read that?

A No.

Q Can you tell us what you did read?

MR. CORRIGAN: Objection.

THE COURT: Overruled, as  
to form.

A I can't recollect what I read, but I mean I read it.

THE COURT: The answer may  
stand.

Q I think I may tell you that that is the fact, that the original conviction has been set aside.

MR. CORRIGAN: Objection, your  
Honor. We are not interested in what defense



counsel is going to tell a prospective juror.

THE COURT: The objection is sustained. Counselor will put a question.

MR. BAILEY: That was the beginning of the question, your Honor, and I wasn't allowed to complete it.

THE COURT: Proceed, Counselor.

Q Mr. Stephens, does that fact that a jury twelve years ago found Doctor Sheppard guilty, influence you in any way today in deciding his guilt or innocence?

A No.

Q You accept that fact that that is all done away with?

A Yes.

Q Now, where were you working in 1954, what sort of work were you doing?

A Post Office.

Q You had discussions about this case while it was on the front pages, while the trial was going on, with your co-employees?

A There may have been periodic discussions, but I can't recollect.

Q Do you recall whether or not anyone in your presence expressed opinions about the guilt or innocence of this defendant at that time?

A No.

Q None that you recall?

A No.

Q And did I understand you to tell Mr. Corrigan that you have never formed any opinion?

A That's correct.

Q Do you presume Doctor Sheppard to be innocent today?

A I have formed no opinion.

Q You understand your instructions earlier given to you by the Court, that by law he is presumed as of this moment to be innocent; are you satisfied that unless there is evidence produced right in this courtroom, in the course of the trial, which you as a juror see firsthand, that you would return a verdict of not guilty?

A What was the question again? I didn't get it.

Q Let me rephrase it. Are you satisfied that despite whatever you may have read at any time, or heard, that unless there is evidence presented in this trial, in this courtroom, and in your presence, that you can see and hear, which convinces you beyond a reasonable doubt, are you satisfied that you would find him not guilty?

A Yes.

Q No question about it?

A No question.

Q Can you recall the last time that you had any discussions with anyone about this case?

A No.

Q Was it recently or some time ago?

A It had to be over five or ten years ago.

Q Then in recent years it has come to your attention only slightly if at all, is that true?

A Just what I seen in the paper.

MR. BAILEY: Pass the juror.

THE COURT: Do you pass for  
cause, Counselor?

MR. BAILEY: Yes.

THE COURT: Mr. Stevens,  
would you be good enough, sir, to take that  
chair right next to Mrs. Uhrin.

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