

35

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

THE COURT: Good morning, Mr. Haller.

MR. HALLER: Good morning.

THE COURT: Mr. Haller, the lawyers will be asking you some questions, and Mr. Romito, who sits before you, and each of us in the room must hear your responses. Are you a little nervous, sir?

MR. HALLER: Yes, sir.

THE COURT: You just relax and listen to the questions, and respond to them accurately and forthrightly, Mr. Haller, and if the lawyer feels another question is necessary he will put it to you.

But keep your voice up at a point now that you would if you were on the ball field so that we can all hear you, and then each of us will be able to hear your responses, and in giving these responses, Mr. Haller, remember that you are under oath.

Do you understand that, sir?

MR. HALLER: Yes, sir.

THE COURT: Counselor Corrigan  
or Spellacy?

VOIR DIRE EXAMINATION OF JOHN HALLER

By Mr. Corrigan:

Q Will you state your name, please?

A John Haller.

Q Will you spell your last name?

A H-a-l-l-e-r.

Q Where do you live, Mr. Haller?

A 4163 West 62nd Street.

Q Will you tell us, please, sir, what your age is?

A Twenty-nine.

Q How long have you lived at your present address?

A About two years.

Q Where did you live prior to that?

A 4058 Fulton Parkway.

Q How long did you live on Fulton Parkway?

A About three years.

Q Where did you live prior to that?

A On Ridge Road. I don't remember the address.

Q In the city of Cleveland?

A In the city of Cleveland -- no, that was in Brooklyn,  
pardon me.

Q In the city of Brooklyn?

A Brooklyn.

Q How long did you live on Ridge Road?

A About a year and a half.

Q Are you native to Cleveland?

A Yes.

Q Where were you living in 1954?

A Brooklyn Acres. That is in Brooklyn.

Q That is a project --

A The projects on Memphis Avenue.

Q With whom were you living in Brooklyn Acres?

A My parents.

Q Do you have any brothers or sisters?

A A sister.

Q How many sisters?

A One sister.

Q What is her age, approximately?

A Thirty-four.

Q Is she married?

A Yes.

Q What is her husband's name?

A Robert Myers.

Q What type of business is he engaged in?

A He is an electrician.

Q With what firm or contractor, if you know?

A I am not sure.

Q With whom do you live? at your present address?

A My family, my wife only.

Q I take it --

A Or children, I mean, my family.

Q What are the ages of your children?

A Six and seven.

Q Is your wife employed outside the household?

A Part-time.

Q And what type of employment?

A Dental assistant.

Q With a dentist or with a --

A With a dentist.

Q What is the name of the dentist?

A Doctor Grayson.

Q Where is he located?

A Ridgeville Medical Center.

Q That is in the vicinity of --

A Ridge and Memphis, Brooklyn area.

Q What type of employment are you engaged in, Mr. Haller?

A I work for Standard Oil Company of Ohio, in a service station.

Q Where is that service station located?

A Ridge and Memphis. That is Brooklyn, too.

Q What is your particular employment there, as an

attendant or manager?

A No, just senior operator.

Q How long have you been so employed?

A I have been with Sohio eight years, but I had a brief break away about a year or two ago.

Q When you left Sohio, what were you doing?

A I went into business for myself.

Q What type of business was that?

A Wrought iron railings.

Q What was the name of that firm?

A Modern Rail.

Q Where was that located?

A On Bellaire.

Q Were you alone in that business?

A No, with someone else.

Q What was the name of the party or parties?

A Gordon Zemke.

Q Is he still in that business?

A He is still in that business.

Q In that same vicinity?

A In the same location.

Q Prior to working with Standard Oil, where were you employed?

A I worked for a Sunoco Dealer for six years.

Q In the same type of work?



A The same type of work.

Q Are your parents living?

A Yes.

Q What type of occupation is your father employed in?

A I beg your pardon. My real father is dead, and my step-father is still alive.

Q What is your step-father's name?

A Lester Brundage.

Q What type of occupation or profession is he employed in?

A He is a mechanic.

Q With what firm?

A Boland Ignition.

Q Where is that located?

A On Biddolph, and Pearl Road.

Q How many years ago, if I may ask, did your father pass away?

A About two years ago.

Q What type of business was he engaged in?

A He worked for East Ohio Gas Company.

Q What did he do at the East Ohio Gas Company?

A He was a clerk in a shipping room.

Q You understand, Mr. Haller, we are asking you questions to determine your background and qualifications to sit as an impartial and unbiased juror, not to pry into your

personal affairs, understand that?

A Yes.

Q Did you go to school in the Cleveland School System?

A Brooklyn.

Q Do you know anybody in the Prosecuting Attorney's Office?

A Not to my knowledge.

Q Or do you have any close relatives or close acquaintances who are members of law-enforcement agencies, such as the Police Department or Sheriff's Office?

A No.

Q Do you know the defendant Sam Sheppard?

A Not other than seeing him here.

Q Do you know the defense counsel, Mr. Bailey or Russell Sherman?

A None other than seeing them here.

Q Looking at the people in the jury box, do you know any of these people?

A Not other than seeing them here.

Q Now, have you, sir, ever been involved in a criminal matter as a victim, as a witness, or in any other manner?

A No.

Q Has any close member of your family ever been involved in any criminal matter as a witness or victim?

A I don't think so.

Q I take it, you have not had previous jury service?

A No.

Q Calling your attention, generally, to 1954, did you have occasion to read about this matter in the newspapers or elsewhere?

A I don't really think. I just recall hearing of it.

Q How about since 1954, have you had occasion to read about it?

A Very, very little.

Q Did you ever read any books in connection with this matter?

A No.

Q Magazines?

A No.

Q Did you ever see anything on television?

A Yes.

Q Did you ever hear anything on radio?

A Yes.

Q That which you saw on television and heard on radio, and that which you read in the newspapers, did you follow it quite extensively and closely?

A No.

Q Have you occasion to talk about this case with anyone at any time?

A Very slight, if anything.



Q But there has been some slight talk you feel?

A Yes.

Q Have you had occasion to have other people express opinions to you?

A No.

Q Have you, sir, in turn expressed any opinions to anyone else? Answer yes or no, regardless of how strong.

A Yes.

Q You have expressed an opinion. I take it, then, having expressed an opinion somewhere along the line, you had formulated an opinion, is that correct?

A No.

Q There seems to be a bit of a contradiction, that on one hand, one would express an opinion, and on the other hand, the same individual had not formulated an opinion.

It does follow quite naturally that in order to express an opinion, you first have to formulate it, does it not?

A Yes, sir.

Q Now, again, I ask you, then, is it not so that at some time you did formulate an opinion in this matter, yes or no?

A Yes.

Q Now, the opinion that you formulated, was it such that that opinion remains with you today?

A Yes.

Q Is that opinion such that if Judge Talty tells you

that you must if selected as a juror, predicate your judgment solely on the evidence that is tendered and received in this courtroom, and you must put out of your mind any other facts or ideas, extraneous to what you heard in this courtroom, would you be able to follow that instruction?

A Yes, sir.

Q Would you have any difficulty separating in your mind those things that you heard some time before, those things upon which you predicated an opinion, and those things that you would hear here in this courtroom?

A I don't -- you lost me there.

Q Let us assume you heard certain things sometime ago. Predicated on those things, you arrived at an opinion, and now you are selected as a juror, and you will hear something in this courtroom, and then when you deliberate this matter you have some difficulty in distinguishing what you heard from this, in this courtroom, and what you heard from other sources upon which you originally formulated your opinion, would you have some difficulty in differentiating between the two?

A No.

Q Do you feel you could follow the Court's instructions and limit yourself absolutely and completely to that and that only which you hear in this courtroom?

A Yes.

Q I anticipate Judge Talty will instruct you as he has previously when you came in with the other members of the panel, that in a criminal prosecution a defendant, and all defendants, are presumed to be innocent unless and until the State proves him guilty beyond a reasonable doubt?

A Yes.

Q Will you accept that instruction of the law?

A Yes.

Q Will you be able to afford this defendant the presumption of innocence from this day forward, unless and until such time that the State proves beyond a reasonable doubt his guilt?

A Yes.

Q I anticipate that Judge Talty will also instruct you that there are several kinds of evidence.

There is direct evidence, that which the witness perceives through his senses, he feels, he touches, he hears, or he smells, and then there is indirect evidence or circumstantial evidence.

Circumstantial evidence is that type of evidence, a conclusion that you arrive from a set of facts, a conclusion that naturally and normally follows from that set of facts.

If Judge Talty tells you that circumstantial evidence properly proven is just as good as direct evidence, will you accept that charge of the law?

A Yes.

Q It may be that police officers will testify in this matter, or governmental officials, and assuming that a police officer or governmental official testifies in his official capacity, would you give greater weight or greater believability to the testimony of a policeman or governmental official, solely because he is a police officer or governmental official?

A No.

Q I take it from that answer, then, that you would measure him or weigh his believability the same as you would weigh or measure the believability of anybody else that testifies regardless of his capacity, is that correct?

A Yes.

Q And weighing or measuring the believability or the credibility of a witness, will you employ your everyday, common ordinary sense to determine whether or not the witness is telling the truth, the whole truth, or no truth, or partial truth?

A Yes.

Q The Court will instruct you that in measuring or weighing the credibility of a witness, you may take into consideration the fact that that witness has an interest or has a lack of interest in the case; will you follow that instruction?

A Yes.

Q Do you know where Bay View Hospital is located?

A Yes.

Q Will you tell us how you come to know where Bay View Hospital is located?

A My parents have been there.

Q Beg pardon?

A My parents have been there, and so have I.

Q Your parents and you have been patients in the Bay View Hospital?

A Yes, sir.

Q Have you had any contact with any member of Doctor Sheppard's family?

A I was told I did.

Q Do you personally know any of Doctor Sheppard's family?

A No.

Q Do you know from what you have been told whether or not any of them attended you as a physician or surgeon?

A I was told that one attended me.

Q Which of the Sheppard doctors attended you, if you know?

A Steve, I think.

Q And how long ago was this?

A I was sixteen or seventeen at the time, I think sixteen. I had appendicitis.



Q You say your parents also have been patients in Bay View Hospital?

A Yes, sir.

Q When you say that, do you have reference to both your mother and your father?

A My mother and my step-father.

Q I see. Your father that is deceased, I take it, was not a patient at Bay View Hospital at any time?

A No, no.

Q How long ago was your mother a patient there?

A As far as I can remember, the last time was about three years after I was there.

Q And you were there, how long ago, when you were sixteen years old?

A About sixteen. I think I came home on my sixteenth birthday. I am not sure.

Q Do you know or did you learn the doctor that had attended your mother?

A No.

Q How long ago was your step-father a patient at Bay View Hospital?

A It all seemed to be right in that same time.

Q Do you know what doctor attended your step-father?

A No, I don't.

Q Would the fact that you had been in Bay View Hospital



and had been under the care of Doctor Stephen Sheppard, would this cause you to be biased, or impartial, or partial, rather, I am sorry, in this case if you are selected as a juror, biased or partial against the defendant Sam Sheppard, or against the State of Ohio?

A No. I had no choice in the matter.

Q I see. Would the fact that your parents have been at that hospital and possibly had been attended by one of the Sheppard Doctors, would that in any way influence your judgment with respect to being fair and impartial in deliberating this matter?

A No, sir.

Q Assuming that you are selected as a juror, would you be able to join with your fellow jurors in a complete and full discussion of all of the facts of this case, as you determine them to be from the evidence that is produced in this courtroom?

A Yes.

Q And would you do this with a view in mind of returning a conscientious, honest verdict, fair to both the defendant and the State of Ohio?

A Yes.

Q Do you now, sir, have a family doctor?

A Yes.

Q And may I ask whether or not he is an M.D. or an

osteopath?

A I believe he is an M.D.

Q Do you know Sergeant Harold Lockwood?

A No.

MR. CORRIGAN: Pass for cause,  
your Honor.

THE COURT: Counselor Sherman  
or Bailey?

VOIR DIRE EXAMINATION OF JOHN HALLER

By Mr. Bailey:

Q Mr. Haller, you said at one point you expressed an opinion about this case; can you tell me when that was, just the time?

A I would say possibly when it first happened, and possibly when everybody heard that Mr. Sheppard was released through having a retrial, going out.

Q When the original trial took place, you were about seventeen years of age?

A Yes, sir.

Q Were you going to school?

A Yes, sir.

Q What school?

A Brooklyn High School.

Q Did you, in those days, read the newspapers yourself?

A No.

Q Did you glance at the headlines?

A I don't believe so.

Q Do you have any recollection of the number of times that you might have seen something about this case in the newspapers back in 1954?

A No, sir.

Q Can you recall whether or not it was the subject of discussion by your parents?

A No.

Q Did you ever hear either of them express an opinion, yes or no?

A No.

Q Did you ever discuss the matter with them yourself?

A No.

Q This means you did not discuss it in 1954 or at any time since then, is that correct?

A Yes.

Q So I take it, in 1954 when you expressed your opinion, it was to someone other than your parents?

A Yes.

Q In July of 1964, ten years later when Doctor Sheppard was released, I take it that your opinion was expressed again to someone other than your parents?

A Yes, sir.

Q Had you heard other people discuss the matter extensively in 1954, prior to the time that you formulated your opinion?

A No.

Q Was your opinion based on some information or knowledge on your part?

A No.

Q Would you say it was a strong opinion or a passing opinion?

A Just an opinion.

Q Was it based on any personal contact with any member of the defense or the prosecution?

A No.

Q Was it based on opinions that you heard other people express?

A No.

Q You say it was not based on any facts?

A Yes.

Q When was the most recent time that you had expressed an opinion, Mr. Haller?

A When Mr. Sheppard was freed.

Q Doctor Sheppard?

A Doctor Sheppard.

Q In 1954, I am sorry, in 1964?

A I believe so.

Q Did you have occasion to express an opinion this year when the Supreme Court ruling was announced?

A I don't believe so.

Q Do you recall reading or hearing about the hearing in the Supreme Court?

A Hearing it.

Q If this Court instructs you that the proceedings from the time the last trial began up until this trial began, are a nullity, that is to say, they are meaningless on the question of Doctor Sheppard's guilt or innocence, and they must be completely wiped out of your mind in deciding this case as a juror, do you think that you can follow that instruction?

A Yes, sir.

Q Do you recall now any of the facts which you may have heard from time to time, one news source or another about this case, just yes or no, if you can recall?

A Yes.

Q Now, you recall, of course, hearing that Marilyn Sheppard had been killed?

A Yes, sir.

Q And that this incident took place in her home in Bay Village?

A Yes.

Q And that Doctor Sheppard had been in the home at the



time, do you recall that?

A No.

Q You do not. Do you recall reading or hearing any account of a story that Doctor Sheppard had to tell about this particular night?

A No.

Q So that as of the moment, you have no recollection as to what his explanation might have been or might be, is that right?

A None whatsoever.

Q Do you have any recollection of learning or finding out about any of his personal background or activities, other than the fact that he was a doctor?

A No.

Q I believe Mr. Corrigan asked you if you were aware of any distinction between an osteopathic physician and a medical doctor?

A Very little.

Q You say there is very little distinction?

A Very little knowledge of it.

Q If the Court instructs you that for all purposes connected with this case, both are doctors, both are equal in the eyes of the law, and that is the end of the matter, will you be able to accept that instruction?

A Yes.



Q So that you wouldn't necessarily give any greater weight to testimony from a doctor of osteopathy than testimony from a medical doctor, or vice versa, is that correct?

A Yes.

Q The defendant, Mr. Haller, has a right to become a witness in the case and to take the witness stand, and testify as to what he knows of the matters that are herein under litigation in this lawsuit.

If Doctor Sheppard were to testify, and the Court instructed you that you were not permitted to give his testimony less weight than any other witness solely because he is the defendant in this case, would you be able to follow that instruction, and approach the valuation of his testimony just as fairly and impartially as you would that of a police officer?

A Yes.

Q You will be instructed at some point, Mr. Haller, if you sit on this case and deliberate it later on, that your function in combination with your fellow jurors, is that of a judge of the facts, and that your judgment is final, and that you have the full responsibility for determining what the facts are from the evidence that the attorneys produce here in court and the Judge permits you to hear, do you think that you can accept that responsibility on those terms and discharge it?

A Yes.

Q If the Court gives you some rules, and you have been told and you will be told again, that whereas you are the sole judge of the facts, his Honor is the sole judge of the law and what the rules are in this case, and what rules you must apply to the facts, and what rules the lawyers must follow in bringing you the facts.

Now, if it develops that some ideas that you may have had about what the rules were, or that you might have learned from television, books, and so on, are a little different than what Judge Talty told you the rules are, and are going to be in this trial, do you think you can accept what the Court says, what Judge Talty says, and just disregard any notions that you may have brought to court when you came in for examination?

A Yes, sir.

Q The State of Ohio, as I am sure you know and you have been told in this case, must prove the guilt of this defendant beyond a reasonable doubt, or you must acquit him.

Now, the State has the burden of doing this, and the defense has no burden at all, and the defense has the right, the absolute right, to remain silent, to produce nothing, to produce no evidence, to explain none, merely send the case for your consideration on evidence produced solely by the State, and if that should happen in this case, his Honor

will instruct you and the other jurors that you may not to any extent whatsoever, draw an inference against the defendant because he did not choose to produce evidence, but that is his right, and that it is meaningless in assessing his guilt.

Now, can you follow that instruction and not be influenced against the defendant if he present no evidence?

A Yes, sir.

Q In connection with that principle, the defendant has the right to testify, as earlier mentioned, and he also has the right not to testify, but to challenge the proof of the State of Ohio, and be silent; if this defendant, Doctor Sheppard, does not testify, does not offer to explain to you things that you seem to feel from the rest of the evidence he ought to know, doesn't intend to give you any facts at all about this case, what he might know of it, and the Court subsequently instructs you that that silence on the part of the defendant himself is no basis for any inference of guilt, from any inference that he is hiding something, and cannot be used to the slightest degree to add up the case one way or another, will you be able to follow that instruction conscientiously?

A Yes, sir.

Q Mr. Haller, the defendant begins the case with nothing against him. The Court has said, I think, that an arrest

and indictment are forms without substance. There is no indication of guilt before you or anyone else in this case, at this moment, but that the defendant is presumed innocent, just as innocent as anyone else here.

Now, is there anything about the opinion that you had or any facts that you may have heard, or anything you know about this case that would make it difficult for you to give Doctor Sam Sheppard the same presumption of innocence that you would be able to give any other criminal defendant?

A No.

Q If in the deliberations when you finally get down to discussing your views with those of your fellow jurors, matters are called to mind which did not in fact come out in this trial from that witness stand, but came from some other source, something you heard, something that did not come into the evidence, do you think that you can completely put out of your mind all of those facts however interesting they may seem, and simply add up the evidence in this case coming through this courtroom, and decide the case on that evidence?

A Yes, sir.

Q Mr. Haller, if you find after discussion and deliberation with the other jurors that you have a view of the case, a judgment to make which is not in accord, which contradicts the judgment of most of the jurors, and yet

hearing their views and expressing your own, and talking the matter over as extensively as you can, you are unable to conscientiously, agreeing with the other side, but still have the same judgment in your own mind and your own heart, do you think the fact that yours was a minority viewpoint among the jurors would influence you to change your vote in this case simply to agree with the majority?

A No.

Q You say it would not?

A No.

Q You will be told at some time, Mr. Waller, that there are no judgments to make on the ultimate question of the guilt or innocence by any juror until the case is over, that involves the presentation of evidence by the State necessarily, and by the defense if he chooses, the arguments of counsel, and instructions of the law by the Court, and that it would be improper for you at any time to even begin to decide until you have heard everything where the truth lay, and indeed whether or not Doctor Sheppard is guilty or innocent, do you think you could abide by that instruction and just refuse to permit yourself to begin to even formulate a decision until the Court told you that we were finished and the job was in your hands, do you think you could do that?

MR. CORRIGAN:           Objection.



THE COURT:                      Objection sustained,  
as to form, Counselor.

Q     If the Court instructs you that you must keep an open mind throughout the trial and until the charge of the Court is complete, do you think you can follow that instruction?

A     Yes, sir.

Q     Now, are you aware, Mr. Haller, of any reason why you cannot give both Doctor Sheppard and the State of Ohio a completely fair and impartial trial as a juror?

A     No.

MR. BAILEY:                      Thank you, Mr. Haller.  
Pass the juror for cause, your Honor.

THE COURT:                      Mr. Haller, would you be kind enough, sir, to go around either way and sit in the back row next to Mrs. Grodzinski and Mr. Tenerovich, in the empty chair there.

Gentlemen, I believe the option is with the State of Ohio.

MR. CORRIGAN:                      May we confer just a moment, your Honor?

THE COURT:                      You may have as much time as you deem necessary, Counselor.

Be at ease, ladies and gentlemen, visit with yourselves if you like.

MR. CORRIGAN:                      If it please the



Court, the State will excuse Mr. Haller.

THE COURT: Mr. Haller, the Court wishes to express to you our appreciation, the appreciation of each one of us participating in this proceeding, including all the prospective jurors, for your willingness to become a juror in this case, if selected.

However, you have been excused, and the Court wishes to instruct you and does instruct you that you must follow these instructions, that is, you shall not discuss this case or what little you have heard of it, what little you know of it, even with your wife or your children; understand that?

MR. HALLER: Yes, sir.

THE COURT: And you shall not permit anyone else to discuss it with you, you shall not permit yourself to engage in any conversation or interview with respect to the merits of this case, or your opinions about it one way or the other, until such time, Mr. Haller, as you know for a certainty that a jury has returned to this courtroom and announced its verdict in open court.

Will you follow those instructions, sir?

MR. HALLER: Yes.

THE COURT: Will you follow  
those instructions?

MR. HALLER: Yes, sir.

THE COURT: Thank you,  
Mr. Haller, and you will be escorted from the  
room by Mr. Patrick.

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