

and you are hereby excused.

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THE BAILIFF: Mr. Schaef, will you be kind enough to take the witness box, and be seated, please.

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THEREUPON, JOHN L. SCHAEF, 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. Schaef.

MR. SCHAEF: Good morning.

THE COURT: Is that the correct pronunciation of your name, sir?

MR. SCHAEF: That is right.

THE COURT: Mr. Schaef, have you ever been in a courtroom before?

MR. SCHAEF: No.

THE COURT: Mr. Schaef, this is Mr. Romito, who sits before you, he is the court reporter and he has the obligation, Mr. Schaef, of reporting all the questions that the lawyers will put to you, and all of your answers; you

understand that, don't you, sir?

MR. SCHAEF: Yes, sir.

THE COURT: Now, for him to do that, you are going to have to keep your voice up at a level so that each person in this room can understand your responses.

You are going to have to keep your voice at that pitch, will you do that?

MR. SCHAEF: Yes, sir.

THE COURT: That is better.

Remember in making these responses to the questions that the lawyers for each side may put to you, you are under oath in making these responses; you understand that, Mr. Schaefer?

MR. SCHAEF: Yes.

THE COURT: Thank you.

Counselor Spellacy or Corrigan?

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

VOIR DIRE EXAMINATION OF JOHN L. SCHAEF

By Mr. Spellacy:

Q Will you tell us your full name, please?

A John L. Schaefer.

Q Will you spell your last name?

A S-c-h-a-e-f.

Q Where do you live, sir?

A 3159 West 32nd.

Q How long have you lived at that address?

A Seventeen or eighteen years.

Q And are you married, sir?

A Yes, sir.

Q Do you have a family?

A I have a son.

Q Pardon me?

A I have a boy.

Q How old is your boy?

A Thirteen.

Q What is his name?

A David.

Q Is he in school?

A Yes, sir.

Q What school does he go to?

A Thomas Jefferson.

Q Thomas Jefferson. Now, is your wife employed outside the home, sir?

A No.

Q What is your employment?

A I am a retail milk driver.

Q Who are you employed by?

A Oberlin Farms Dairy.

Q How long have you been employed by them?

A About two years.

Q Where are you employed by them?

A Brooklyn, old Brooklyn, Brooklyn Heights, part of Parma, part of Cleveland.

Q Have you worked in this area for them for the past two years?

A Yes, sir.

Q Prior to working for Oberlin Farms Dairy, where did you work?

A Wagner Awnings.

Q Wagner Awnings?

A Yes, sir.

Q How long did you work for Wagner Awnings?

A Two years.

Q What type of work did you do for Wagner Awnings?

A I was a seamer, seam the tarps together, and also I worked on the truck, installing awnings and taking down

awnings.

Q Before working for Wagner Awnings, where did you work?

A For Cook Coffee.

Q Cook Coffee?

A Yes.

Q What did you do for Cook Coffee?

A Driver-Salesman.

Q Pardon me?

A Driver-Salesman.

Q When was it that you worked -- well, where did you work for Cook Coffee as a driver-salesman?

A I was pretty much all over.

Q In the city of Cleveland?

A Yes, sir.

Q How long did you work for them, sir?

A About a year.

Q In 1954, where were you working?

A Fairmount Foods.

Q Fairmount Foods?

A Yes.

Q What type of work did you do for Fairmount Foods?

A Driver-Sales home delivery.

Q Pardon me?

A Home Delivery.

Q Home delivery in what vicinity?

A To be honest with you, at that time, I can't quite recall, because I moved from routes, you know, different areas.

Q Would it be on the west side or the east side?

A To be honest with you, I can't give you an honest answer right now, because I have delivered on both sides of town, Parma, Parma Heights, and all.

Q Do you know where Bay View Hospital is?

A I believe it is on Lake Road, isn't it?

Q Did you ever have occasion to work in the vicinity of Bay View Hospital?

A Yes, sir.

Q And when was that, if you can recall?

A That was when I -- that is quite a few years ago -- I worked for Wallo-wax.

Q Pardon me?

A Wallo-wax, Wallo-foam.

Q I am sorry, I don't understand you.

A They canvass the houses selling furniture polish, rug shampoo, and floor wax.

Q Do you recall when that was that you worked in this vicinity?

A I really -- I don't remember for sure.

Q Sir, this is the case of the State of Ohio versus Sam Sheppard; have you read about this case at any time?

A Yes, sir.

Q Do you recall when you read about this particular case?

A Since it happened.

Q Now, did you work in the vicinity before or after reading about this particular case?

A Before.

Q How long before?

A I can't honestly say, because I only remember -- what year --

Q Can you remember approximately, if you can, to the best of your ability?

A Well, I imagine it would be about '50, somewhere in through there.

Q Around 1950?

A Somewhere in through there, yes.

Q Do you know anything about Bay View Hospital other than knowing where it is?

A No.

Q Now, you indicated that you have read about this particular case, is that right?

A That's right.

Q And was this in the newspapers?

A The newspapers, television, and so forth.

Q And radio?

A Yes.

Q Have you read anything, any books or any magazines about this particular case, just yes or no?

A No.

Q Have you read anything recently with regard to this case?

A Yes.

Q Would that also be newspapers?

A Yes.

Q As a result of having read the newspapers and listening to television or radio, have you formed an opinion with regard to this matter, yes or no?

A Yes.

Q And have you expressed an opinion with regard to this matter, yes or no?

A Yes.

Q When you first read about this, did you form or express an opinion, yes or no?

A Yes.

Q Recently have you formed or expressed an opinion with regard to this matter?

A Yes.

Q Is this a fixed opinion, sir, yes or no?

A Yes, sir.

Q Is this an opinion that you would be unable to set

outside your mind, and examine the evidence produced here in this courtroom objectively and fairly to both sides in this particular case, would this opinion prevent you from doing that, from being fair to both sides?

A No.

Q You would be able to set this opinion outside your mind, and examine the facts that are presented here in this courtroom, and decide them fairly to either side, is that what you are saying?

A Yes.

Q Has anyone expressed an opinion to you?

A Yes.

Q As a result of someone expressing an opinion to you, could you formulate your opinion, yes or no?

A I would say no.

Q His Honor Judge Talty will tell you that a juror must confine himself only to the facts presented here in this courtroom, and the only things he is allowed to concern himself with are the sworn testimony, the sworn testimony of the witnesses who appear here, and if selected as a juror, could you do that?

A Yes.

Q You are not to consider anything you might have read or any opinions you might have had, and you must disregard any opinions that have been expressed to you, do you under-

stand that?

A Yes.

Q And if selected as a juror, could you do this?

A No.

Q You are saying, then, that you could not separate what someone else has told you, and you cannot separate what you have learned from what you would hear in this courtroom?

A No, I wouldn't say.

Q Is that what you are saying?

A No.

Q Let me start all over again.

A Could I say something to make it easier?

Q No, I better ask you the questions.

THE COURT: Just follow the question, please, and answer it to the best of your ability.

Q Judge Talty will tell you that you are to concern yourself, in other words, you are only to use what you hear here in this courtroom as evidence, that you are to put outside your mind anything that you might have read or heard or any opinions that you might have heard, and forget about those, do you understand?

A Yes.

Q As a juror, you are only to concern yourself with the facts here; is selected as a juror, could you forget about

anything else you heard, and anything else that somebody might have told you, and you are to concern yourself only with the facts here?

A No.

MR. SPELLACY: Challenge for cause.

MR. BAILEY: Join the challenge,
subject to the observations.

THE COURT: Let the record show
that the joint challenge for cause to Mr. Schaef
as a prospective juror in this case is granted.

Mr. Schaef, you are going to be excused
as a prospective juror in this case, but the
Court wants you to follow very carefully the
instructions that I am now going to give you; and
that is, Mr. Schaef, that you shall not discuss
this case or any opinions that you have, any
opinions that you may have heard with anyone, not
even with your wife, with members, of your family;
do you understand that?

MR. SCHAEF: Yes.

THE COURT: And you are not to
permit anyone else to express to you an opinion
about this case. You are to make no statements
whatsoever about this case to anyone, until such
time, Mr. Schaef, as you are certain that a jury

in this case has returned its verdict in open court here, do you understand that?

MR. SCHAEF: Yes.

THE COURT: Now, are there any difficulties you have with those instructions, or if any question should arise in your mind, Mr. Schaefer, with respect to those instructions, before you utter one word to anybody, or permit anyone to say anything to you, will you come back and discuss it further with me? Do you understand that?

MR. SCHAEF: Yes.

THE COURT: But you are not to utter one word or permit yourself to be involved in any discussion about the merits of this case, or any opinion that you may have, until such time as you know the jury has returned its verdict in this case in open court, you understand that, sir?

MR. SCHAEF: Yes.

THE COURT: Thank you, and you are hereby excused.

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