

THE BAILIFF: Mr. May, please take
the witness box, please.

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THEREUPON, STANLEY J. MAY, 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. May.

MR. MAY: Good afternoon.

THE COURT: Mr. May, is this
your first time in a courtroom as a prospective
juror?

MR. MAY: Yes, sir.

THE COURT: Mr. May, you are
going to have to keep your voice to such a
point where each one of us in the room, including
Mr. Romito, and this is Mr. Romito, our court
reporter, and he must report each of your answers,
Mr. May; you understand that, don't you?

MR. MAY: Yes, sir, I do.

THE COURT: And each person in
the room must hear you also; you understand that?

MR. MAY: Right.

THE COURT: Now, the lawyers

will put questions to you, and then you keep your voice so that we will all be able to hear your answers, and in making your answers to these questions, Mr. May, you will bear in mind that you are under oath; do you understand that?

MR. MAY: Right.

THE COURT: Counselor Spellacy or Counselor Corrigan?

MR. SPELLACY: If it please the Court.

VOIR DIRE EXAMINATION OF STANLEY J. MAY

By Mr. Spellacy:

Q For the record, will you please tell us your full name?

A Stanley J. May.

Q That is M-a-y?

A M-a-y.

Q Where do you live, Mr. May?

A Parma. 3330 Parklane Drive, Parma, Ohio.

Q How long have you lived at that address?

A Eleven years.

Q Are you married, sir?

A Yes.

Q Do you have a family?

A Yes.

Q Would you give us the names and ages of your children?

A I have got one boy, nineteen years old at Kent State, Ohio.

Q What year is he in at Kent State?

A Second year.

Q Is your wife employed outside the home?

A Yes, she is. Gray's Drug Store.

Q Which Gray's Drug Store does she work at?

A Broadvue and Snow Road.

Q I am sorry, I cannot hear you?

A Broadvue and Snow Road.

Q How long has she worked for Gray Drug Store?

A Five years.

Q How long has she been at that particular store?

A Five years.

Q Where are you employed, sir?

A Jones and Laughlin.

Q How long have you been employed with Jones and Laughlin?

A Twenty-one years.

Q Twenty-one years?

A Yes.

Q What do you do for Jones and Laughlin?

A Well, I am breaking in as an inspector right now, but I am an inspection foreman. In the summer months I fill in for vacation, when the regular boss is on vacation.

Q You say you are breaking in; what did you do prior to this?

A Well, I have been working in the mill as a helper. Now I am breaking in as an inspector on it.

Q How long have you worked? You say twenty-one years, you have worked for J and L?

A Yes, sir.

Q Where did you live prior to your present address?

A 6102 Linwood Avenue.

Q I am sorry, I did not hear you?

A 6102 Linwood Avenue.

Q Linwood Avenue?

A That's right, on the east side.

Q Now, are you from Cleveland, sir?

A No, I am not. Pennsylvania.

Q Pardon me?

A Pennsylvania.

Q What part of Pennsylvania?

A Centralia, Pennsylvania.

Q I am sorry?

A Centralia.

Q Where is that?

A Oh, in the eastern part. The hard coal region.

Q The hard coal region?

A Right.

Q How long have you been in Cleveland?

A Twenty-eight years.

Q Twenty-eight years?

A Yes.

Q Did you go to school in Pennsylvania?

A Yes, I did.

Q Have you been a juror before?

A No.

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

A Right.

Q Have you at any time, read anything about this particular case, yes or no?

A I never paid any attention, no particular attention to it.

Q Do you recall reading anything about it at anytime in the newspapers?

A Well, I will tell you, I don't read the paper very much, to tell you the truth.

Q Do you ever recall hearing anything on television or radio about this case?

A Years ago, yes, but not lately.

Q As a result of what you heard on the radio or television, have you formed or expressed an opinion with regard to this case?

A No, I haven't.

Q Have you read any books or magazines with regard to this particular case?

A No, I have not.

Q Do you have any friends or relatives who are police officers, Mr. May?

A No, I don't, not that I know of.

Q Have you ever been a witness in any kind of a case either civil or criminal?

A No.

Q Any members of your family ever been witnesses in a case that you know of?

A I don't think of any. I have a brother down here.

Q Your brother here in Cleveland?

A Yes.

Q Where does he live?

A Seven Hills.

Q You understand that if selected as a juror in this case, you would be one of the triers of the facts, and you would determine what the facts are from the witnesses who testify here in this courtroom, and you would size them up, and observe them just as you do when you meet someone at

work for the first time, and you would accept all of what they say, you can accept part of what they say, or you can disregard their testimony all together if you want, that is your job as a juror.

And equally important you must take the law from Judge Talty as he gives it to you. You see, after all the evidence is in, at the conclusion of the case, Judge Talty will give you instructions of law, and you have to set outside your mind any ideas you might have as to what the law is, and take the law that Judge Talty gives to you.

Do you think you can do that?

A I think I could.

Q In a criminal case, a defendant is presumed to be innocent and the burden is on the State of Ohio to prove him guilty beyond a reasonable doubt; would you follow the instructions of Judge Talty as to the definition of reasonable doubt?

A What was that now?

Q At the conclusion of the case, Judge Talty will give you principles of law, he will tell you what the law is, and you have to take that law, and he will tell you that in a criminal case the defendant is presumed to be innocent until proven guilty beyond a reasonable doubt.

Will you follow that instruction of law?

A Yes, sir.

Q Now, it is anticipated that police officers will testify here.

Judge Talty will tell you that you should not give their testimony any greater weight or any lesser weight just because they are police officers, that you are to weigh their testimony just as you would any other witness; could you do that?

A Yes.

THE COURT: You must respond, sir. Mr. Romito must hear a yes or no from you.

A Yes.

THE COURT: Thank you, sir.

Q Do you know where Bay View Hospital is?

A No, I don't.

Q I also anticipate that Judge Talty will tell you that in a criminal case, there are various types of evidence, what we refer to as direct evidence, and also what we refer to as circumstantial evidence.

If Judge Talty were to tell you that circumstantial evidence properly proven is just as good and just as binding as direct evidence, will you follow that instruction of law?

A How was that now? I am sorry.

Q That is my fault. If Judge Talty were to tell you that there are various types of evidence in a case, what we refer to as direct evidence, that is, evidence from a witness as

to what he or she heard, or what he or she saw, and on the other hand, we have what we refer to as circumstantial evidence, that is what we call proof of certain facts from which you as a juror may infer a fact that logically and naturally flows according to our common experiences.

An example that is often used is, assuming that when we came into the building this morning that the streets were dry, the grass was dry, the trees were dry, and the buildings were dry, and that we didn't have occasion to look out the building again until we went out on our noon recess, and there we saw that the streets were wet, the grass was wet, the puddles were on the sidewalk, the buildings were wet, the trees were wet, and the sun was out.

We could reasonably infer from that set of facts, that sometime between the hour when we came in the building and when we went out, that it had rained.

A: Right.

Q: This is what we mean by circumstantial evidence.

A: Yes.

Q: Would you follow the instructions of his Honor, Judge Talty, that circumstantial evidence properly proven is just as good and just as binding as direct evidence, would you follow that instruction of law, yes or no?

A: Yes.

Q: Do you have any reservations about following that

instruction of law?

A No, I don't.

Q Do you know any members of the County Prosecutor's Office?

A No, I don't.

Q Do you know any members of the Cleveland Police Department? Did I ask you that question?

A Yes, you did. And I don't.

Q Is there any reason that you can think of, Mr. May, why you couldn't sit here as a fair and impartial juror to this defendant as well as to the people of Ohio?

A No.

Q Could you decide this case free of any biases or prejudices or sympathies that you have for either this defendant or for the people of Ohio?

A Yes.

Q And decide the case solely on the facts that are presented here in this courtroom?

A Right.

Q And only on the facts presented here in this courtroom?

A Right.

MR. SPELLACY: Pass for cause,
your Honor.

THE COURT: Counselor Bailey,

before you commence your examination, it is a quarter to three.

Mr. May, Mr. Bailey or Mr. Sherman will have some questions for you, but we are going to have our afternoon recess now, and if you will just remain where you are until I instruct all of you, then we will have our recess.

Ladies and gentlemen of the prospective panel, and Mr. May, you will bear in mind the instructions given you on each occasion when you leave the room.

You shall not discuss this case, what little you know or heard of it, amongst yourselves. Permit no one else to discuss it with you, nor permit yourselves to overhear anything that relates to this case by any means of communication.

We will stand in recess.

(Thereupon a recess was had.)

THE COURT: Counselor Bailey?

VOIR DIRE EXAMINATION OF STANLEY J. MAY

By Mr. Bailey:

Q Mr. May, did I understand you to say that you had lived at your present address for more than the last twelve years?

A No, eleven years, just about.

Q You were living somewhere else at the time of the original trial?

A Yes.

Q And where was that?

A 6102 Linwood Avenue, on the east side.

Q In Cleveland?

A Yes, in Cleveland.

Q At that time, were you a subscriber to any Cleveland newspaper?

A No.

Q You were not?

A No.

Q Was it your custom to pick up a newspaper on the way to or from work?

A No, very seldom, very seldom. I very seldom even read yet.

Q Do you have a television set at home?

A Yes.

Q Did you have one back then?

A We got one in '49.

Q Did you watch any news accounts of the original Sheppard murder or trial on television at that time?

A I don't remember.

Q At the time of the first trial, did any of your fellow employees or friends or guests, relatives, talk about the case?

A Right now, I can't tell you. I don't remember.

Q You have no memory?

A Not for that far back.

Q Do you have any memory as to whether or not anyone in the city of Cleveland or elsewhere expressed an opinion about the Sheppard case?

A Not that I know of.

Q Did you yourself give it any thought back then?

A Never had no idea of it, didn't pay no attention one way or another.

Q You just weren't interested?

A No.

Q Now, since that time, have any developments in the case come to your attention by any means?

A None whatsoever.

Q Has any one ever in the last twelve years, expressed an opinion about the Sheppard case that you can recall?

A I just don't remember. I don't think so. I don't remember talking about it or heard anybody talking about it.

Q This has never been talked about in your memory?

A As far as I know, no.

Q I take it, then, you have never talked about it?

A Never.

Q Did you ever think about it?

A I had no idea to.

Q When d'd you first realize that you might become a juror in this particular case?

A Not until they called me down here.

Q Had you given it any thought since then?

A None whatsoever. I never thought I would be in here.

Q Well, now that you are here, are you able to tell me whether you have any opinion one way or another on this case?

A Not just yet.

Q Would you say that you have a completely open mind ready to find out what the facts are in the course of the trial?

A I sure would love to.

Q In the event that you should, because of some incident that takes place in the courtroom, whether it be testimony or anything else, and happen to recall some facts that you heard once before somewhere about the case, you will be told by the trial judge, Judge Talty, at the conclusion of all

the evidence, that you must disregard any information that you got from any source, other than this witness stand, as he permits you to hear it.

Do you think in your determination of the issue, that will be presented to you eventually of the guilt or innocence of this defendant, that you can follow such a rule?

A I think I could.

Q Do you have a family physician, Mr. May?

A I had one but he died. Not since then.

Q Was he a medical doctor, if you know?

A What do you mean by medical?

Q Well, do you know the difference between a medical doctor and a doctor of osteopathy?

A Well, this doctor would come over to the house, I mean, or we went to him. That's about all.

Q You never asked him what kind of doctor he was?

A No, sir.

Q Do you remember whether it said on his bill head, M.D. or D.O.?

A M.D.

Q There may be testimony in this case, Mr. May, from some medical doctors, and there may be some testimony from doctors of osteopathy.

If Judge Talty instructs you that both men are doctors, and there is no difference between them as far as the law is

concerned, and their ability to give an opinion, would you accept that instruction?

A No.

Q You would not?

A No.

Q You feel that there is a difference between them?

A Yes.

Q I take it you would be inclined to give less weight, as a matter of course, to anything an osteopath told you, is that true?

A Yes.

MR. BAILEY: Challenge for
cause.

THE COURT: Pursue it further,
Counselor, predicated upon the Court's instructions, please.

MR. BAILEY: May we approach
the bench, your Honor? I am not sure I have
your instructions in mind.

THE COURT: Yes.

(Thereupon Counsel and the Court conferred at
the Court's bench out of the hearing of the
jury panel, as follows:)

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(Thereupon Court and Counsel conferred at the Court's bench out of the hearing of the jury panel, as follows:)

THE COURT: I wish Counselor would pursue this matter further, so that he will lay the basis for the prospective juror knowing that the Court would instruct that in the eyes of the law the testimony and the credibility of the medical doctor, and a doctor of osteopathy, would be regarded as the same. I don't know that he has followed this line this closely, and I wish Counselor would pursue that point further.

MR. BAILEY: All right, your Honor.

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

By Mr. Bailey:

Q Mr. May, I take it that you have some opinion as to the difference in qualifications and ability as between a medical doctor and an osteopath?

A Well, I know what a regular doctor is, I know that.

Q And in your opinion then, an osteopath is not a regular doctor, is that right?

A No.

Q What is that?

A No.

Q He is not?

A No, well, not a doctor of medicine, or operate or anything like that on you.

Q Have you ever met an osteopath?

A No.

Q Did somebody at some time -- just answer this yes or no -- describe to you what an osteopath is or what he did?

A Well, down at work --

THE COURT: Mr. May --

A talked about --

MR. CORRIGAN: Just answer yes

or no.

A No.

THE COURT: The question only asks for a yes or no answer.

A No.

Q You say no, that was done?

A Not that I know of.

Q Did somebody down at work give a description of an osteopath?

A Not in the way we are talking about, no.

Q But you nonetheless from some source, have an opinion that an osteopath is not up to being a medical doctor?

A Right.

Q Now, if the Court were to instruct you that the law of the State of Ohio recognizes medical doctors and doctors of osteopathy as being the same for all purposes with which we are here concerned, the same qualifications, they take the same tests, get the same license, and in fact can use either designation they want, would you put aside your opinion and conclusion and follow the instructions of the Court?

A Yes, naturally.

Q So that if this instruction is given to you, no matter what you now think, you would be willing to disregard that opinion as inaccurate, and accept the Court's description of the plane of professional competence of an osteopathic physician?

A Yes.

Q Do you know what a chiropractor is?

A Yes.

Q Are you perhaps confusing an osteopath and a chiropractor?

A No, just, I just had my bones set.

Q You just had your bones set?

A Yes, not too long ago. I have got a trick knee.

Q Was that done by a chiropractor?

A Yes.

Q I see. Well, if the Court instructs you that there is a broad difference between an osteopath and a chiropractor, would you accept that as a fact?

A Yes.

Q Now, if the Court tells you that the defendant who may testify, and has the right to testify in this case, and tell you what he knows, has to be given the same consideration as a witness by you as a juror, as any other witness, policeman or anyone else, will you be able to accept that instruction and not give the defendant less credibility than the other, simply because he is the defendant?

A How was that asked?

Q Let me simplify it. Doctor Sheppard has a right to testify --

A Right.

Q --and he might do so, and he might have testimony to give that will contradict with something the State is offering, and you as a juror will be told by the Court that your job, your exclusive function, no one else can help with or advise you on, is to decide the credibility of a witness, who is telling the truth, and so forth.

Now, as you approach that function can you give the defendant the benefit of an equal evaluation, equally open-minded evaluation of his credibility, just as if he were any other witness?

A Yes, I could.

Q Do you understand that?

A Yes.

Q Mr. May, the State of Ohio may establish to your satisfaction that the defendant's deceased wife Marilyn Sheppard, was killed by someone in Bay Village in July of 1954, and it may also establish that the defendant was home at or about the time she was killed, he was in the house when the killing took place, and the Court will instruct you that the defense has no burden of proof or explanation of any kind, the defendant himself has the right to remain silent, and that if he does so you may not consider that for any means.

Now, if the State proves the things I have described to you, and Doctor Sheppard elects not to testify, does not explain what he knows, does not make any statement whatsoever, could you consider the question of whether or not he committed the crime and not give any consideration or significance at all to the fact that he didn't get up there and tell you what he knew about it?

A No, I would not.

Q That would be a factor you couldn't overlook?

A That's right.

MR. BAILEY: Challenge for cause.

MR. SPELLACY: I object.

THE COURT: Sustained, that is,

the objection is sustained. Counselor will pursue the matter further, predicated upon the Court's instructions, Counselor, please.

Q Mr. May, would you necessarily conclude from the silence of the defendant that he had some reason that he didn't want to testify?

MR. SPELLACY: Objection.

THE COURT: Objection sustained.

Q If the defendant did not testify and the Court instructed you that no matter what evidence had been put in against him, his silence could not be used by you in any manner in deciding his guilt or innocence, would you have any difficulty in applying that rule?

A No, I wouldn't.

Q You would not?

A No.

Q I believe a moment ago you told us --

A I kind of don't get your question the way you are getting around it.

Q I wish you to be sure you understand me. If you don't understand me, simply say so and I will rephrase the question.

A All right.

Q We have two sides in this case, the State of Ohio on the one hand, and Doctor Sam Sheppard on the other.

We have an accusation alleging that he committed the murder.

Now, under the rules as explained to you by the Court earlier in your general instructions, and as they will be explained to you later, the State of Ohio has to prove that he did it, but he doesn't have to prove anything, do you understand that?

A Yes.

Q And as part of the rule that he doesn't have to prove anything, it is provided in the law that he may remain silent, he doesn't have to testify, and if he does not testify no juror is permitted to even consider that fact in deciding his guilt or innocence.

So I say to you if the defendant does not testify, for reasons which will not be explained, could you in evaluating all of the evidence in the case, completely disregard his failure to testify, and not attach any significance to it in deciding his guilt or innocence?

A No.

Q That would give you difficulty, would it?

A No, I think I could put it aside, I mean, if I was on the jury and he didn't testify and I heard the other --

Q You say you could decide?

A Yes.

Q You could decide the case?

A Yes.

Q But in deciding the case, in trying to decide whether or not the State had proven him guilty, could you turn aside the fact that he had been silent and chosen not to give any explanation or tell the jury anything?

A No.

Q In other words, you would automatically attach some significance to that?

A No, I wouldn't. I would just --

MR. BAILEY: Excuse me a moment.
Challenge for cause, your Honor.

MR. CORRIGAN: Join with the
challenge, your Honor.

THE COURT: Mr. May, the Court
is going to grant the challenge for cause which
has been entered by both parties here, so far
as your further service as a prospective juror
in this case is concerned.

Now, even though you indicated to us
that you know very little about this case, and
that you haven't expressed any opinions about
it, the Court is going to instruct you now, and
does so instruct you, that before you leave this
room, you will bear in mind that under the law
you shall not discuss this case with anyone,

even at home; do you understand that?

MR. MAY: Yes.

THE COURT: And you shall not permit anyone else to discuss it with you, and you shall be bound by these instructions, and you shall be obliged not to discuss this case with anyone, not to make any statements about it, about the merits of it, not to permit anyone else to discuss the case with you, until, Mr. May, you learn and you are definite and certain that a jury in this room in this case has come back and announced its verdict.

Do you understand these instructions, Mr. May?

MR. MAY: Yes, sir.

THE COURT: And will you follow them, please?

MR. MAY: Yes, sir.

THE COURT: Thank you, Mr. May.

You are excused.

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