

previously seated, were escorted from the courtroom.)

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

THE COURT: Good afternoon,
Mrs. Cowan.

MRS. COWAN: Good afternoon.

THE COURT: Your name is pronounced Cowan?

MRS. COWAN: Cowan.

THE COURT: Mrs. Cowan, will you please keep your voice at a point where each one of us in the room can hear you.

You are going to be asked questions by the lawyers, and in your responses hold your voice at a point where each person in the room can hear you; will you do that, please?

MRS. COWAN: Yes, I will.

THE COURT: And remember,
Mrs. Cowan, that you are under oath.

MRS. COWAN: Yes.

THE COURT:

Counselor Corrigan?

VOIR DIRE EXAMINATION OF YOLANDA COWAN

By Mr. Corrigan:

Q Will you state your full name, please?

A Yolanda Cowan.

Q How do you spell your last name?

A C-o-w-a-n.

Q C-o-w-a-n?

A Right.

Q Where do you live, Mrs. Cowan?

A 3231 East Scarborough.

Q How long have you lived at that address?

A Six years.

Q Where did you live prior to living there?

A Livingston Road.

Q In what community is Livingston Road located?

A Cleveland, Ohio.

Q In the city of Cleveland?

A Yes.

Q How long did you live on Livingston Road?

A Approximately four years.

Q Where did you live before that?

A East 130th Street.

Q Your address there, please?

A I don't remember.

Q In the city of Cleveland?

A In the city of Cleveland.

Q How long did you live at that address?

A About two and a half years.

Q Where did you live in 1954?

A Eddington Road.

Q Beg your pardon?

A I think, Eddington Road.

Q Are you a native of Cleveland?

A Yes, I am.

Q Is Mr. Cowan a native of Cleveland, also?

A Yes, he is.

Q What schools did you attend in Cleveland?

A Chesterfield, Patrick Henry, and Glenville High School.

Q What schools did Mr. Cowan attend?

A Heights High School, and I believe Bolden. I do not know the junior high school.

Q Do you recall when he finished high school; what year, approximately?

A No, I do not.

Q How old is he?

A 52 years old.

Q When did you finish high school, what year?

A In January of 1936.

Q Do you have a family, Mrs. Cowan?

A One child.

Q Boy or girl?

A A girl, twelve.

Q Are you employed outside the household?

A Yes, I am.

Q What is your employment?

A Halle Brothers, Severance store.

Q What do you do for Halle's at the Severance store?

A I manage the hosiery department.

Q How long have you been employed with Halle's?

A It will be four years in November.

Q Were you employed elsewhere prior to being employed by Halle's?

A We had a business of our own for a short time.

Q What was the name of that business?

A Cowan's Market.

Q What type of business was that?

A Groceries and meats.

Q Where was that located?

A 8317 Central.

Q And how long were you engaged in that business at 8317 Central Avenue?

A Around three years.

Q What type of work does Mr. Cowan do?

A He installs Telerama.

Q He sells --

A He installs Telerama.

Q He installs Telerama. Will you explain to us what Telerama is, as best you can?

A Telerama is Pay Television.

Q This is direct-wire Pay Television?

A Pay Television.

Q How long has he been employed with the Telerama people?

A About six weeks.

Q About six weeks?

A Yes.

Q In 1954, what type of work was he doing?

A He was working for a steel scrap house -- or, a steel warehouse.

Q Steel warehouse?

A Steel warehouse.

Q What was his specific duty or occupation?

A Warehouse man.

Q He was a warehouse man?

A Yes.

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

A No, I do not.

Q Do you know Doctor Gerber?

A No, I do not.

Q Do you know anybody from the Sam Sheppard family?

A No, I do not.

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

A No, I do not.

Q Do you know Judge Talty?

A Just from seeing him here.

Q Going back to 1954, Mrs. Cowan, did you have occasion to read in the newspapers or in any magazines any articles relating to the Sheppard case?

A I just read the newspapers.

Q What newspapers did you read?

A The Plain Dealer and the Press.

Q The Plain Dealer and the Press?

A Yes.

Q Did you follow the accounts that appeared in the paper at that time quite closely?

A No, sir.

Q Did you at that time hear anything on television or radio?

A Just the news broadcasts, that's all.

Q Did you follow those broadcasts closely?

A No, sir.

Q Did you have occasion to discuss the Sheppard case

at any time, particularly in 1954, with your husband, or members of your family or neighbors or anyone?

A Oh, I imagine I did some, yes.

Q In the course of those discussions did you express an opinion one way or the other?

A Not generally, no.

Q Did other people express their opinions?

A Yes, they did.

Q Was this opinion persuasive, did it affect you to come to a judgment one way or another?

A No.

Q Now, his Honor Judge Talty has already instructed you that in a criminal matter a defendant is presumed to be innocent, unless and until the State carries the burden of proving him guilty beyond a reasonable doubt.

Do you recall that instruction?

A Yes, I do.

Q And if Judge Talty again instructs you, assuming you are selected as a juror, would you follow that instruction?

A Yes, I would.

Q Have you, Mrs. Cowan, or any member of your family ever been involved in any criminal matter as a victim, as a witness, or as a juror; or in any manner?

A I was a character witness for a divorce.

Q That is not a criminal matter.

A Not criminal, no.

Q But in the grocery business, for example, you were never involved in any situation that you would be the victim of a crime?

A We were the victim of a holdup, but we never --

Q It never came to trial?

A No.

Q I anticipate that Judge Talty will instruct you also that there are several kinds of evidence, direct evidence and circumstantial evidence, and he will instruct you that direct evidence is that which a witness perceives through his senses, that which he sees or hears, and circumstantial evidence on the other hand are facts from which you draw reasonable inferences that flow normally from other facts.

If Judge Talty instructs you that circumstantial evidence if properly proven is just as good and just as binding as direct evidence, will you follow that instruction?

A Yes, I would.

Q It may happen, Mrs. Cowan, that witnesses will testify who are public officials, or police officers.

The fact that a witness is a police officer or that he is a public official, will that fact solely cause you to give that witness more believability or less believability than some other witness who isn't a police officer, or who

is not a governmental official?

A No.

Q So you would put them on the same plane, is that correct?

A Yes.

Q Will you, Mrs. Cowan, employ your every day common sense in determining the believability of a witness, that is to say, whether you are going to believe him at all, or you are going to believe him partially, employ the same standards that you employ when you meet people in your business or on the street, as to whether or not you can or cannot believe them?

A (Nodding.)

Q Assuming that you are selected as a juror, and the time comes when the jury deliberates the question of the guilt or innocence of the defendant, will you be able to join with your fellow jurors in a complete discussion of all the facts as you determine them to be here in this courtroom, with the view in mind of arriving at a fair and impartial verdict, fair both to the State of Ohio and the defendant Sam Sheppard?

A Yes.

Q Is there any reason that occurs to you now that you could not be fair and impartial to both sides in this case if you are selected as a juror?

A No, I don't know of any.

MR. CORRIGAN: Pass for cause,
Your Honor.

THE COURT: Counselor Bailey?

VOIR DIRE EXAMINATION OF YOLANDA COWAN

By Mr. Bailey:

Q Mrs. Cowan, in 1954 what newspapers did you read, do you recall?

A The Plain Dealer and the Press.

Q You got them both?

A Yes.

Q Did you ordinarily read both papers daily yourself?

A Yes, I did.

Q You read most of the news items that were printed there?

A Sometimes the complete item, sometimes the headline.

Q Was it your habit in those days to also read the editorials that were probably in that newspaper?

A Not always.

Q Not always. Do you recall whether or not you read any editorials in connection with this case?

A No, I do not.

Q You don't remember?

A No, I don't.

Q You read, of course, that Marilyn Sheppard had been

murdered by someone?

A Right.

Q And you read that her husband was a doctor from Bay Village?

A Yes.

Q You recall, I assume, that she was killed in her own home?

A Right.

Q And there was evidence, undisputed evidence, that he admitted he was there in the home when it happened, you remember that?

A Yes, I do.

Q Do you recall any additional facts about the defendant's background or his private associations, anything other than his professional occupation?

A No, sir, I do not.

Q Do you recall reading anything about the outside activities that he had been engaged in?

A No, sir.

Q You didn't read any of that?

A No.

Q Do you recall reading anything to the extent about to which he did or did not cooperate with the officials in their investigation?

A No, I did not read it that thoroughly.

Q Now, you have indicated that you from time to time would discuss the Sheppard case back when it was front page news; you discussed his arrest, is that right?

A I beg your pardon?

Q You discussed the fact that he was arrested?

A Right.

Q And the fact that the Grand Jury indicted him?

A Right.

Q And that he went to trial?

A Yes.

Q Did you discuss with any of these people the result of that trial?

A No, I don't remember particularly doing this.

Q Well, you indicated that some of them would from time to time express an opinion about the case?

A Yes.

Q I think in response to a question by Mr. Corrigan you said that generally you did not?

A That's right.

Q Can you recall ever saying to anyone, "I think he did it," or, "I think he didn't do it," or words to that effect?

A No, I did not.

Q Has there been a question in your mind for these past twelve years whether or not Doctor Sheppard was guilty?

A I can't honestly say that I have thought about it.

Q Did you back when the verdict came in give it some thought?

A Probably did, yes.

Q Do you remember having any impression as to whether or not --

A No.

Q -- whether or not you had any?

A No.

Q In all the discussions with those other people that were expressing their opinions?

A Right.

Q But you did not?

A Yes.

Q Have you read anything about the case recently?

A No.

Q Do you still take the Cleveland Press?

A Right, and the Plain Dealer.

Q Do you read it?

A Yes, I do.

Q Do you recall reading anything about the case in January of this year?

A No, I do not.

Q Do you recall reading anything about it in June, something to do about the Supreme Court?

A No, sir, I do not.

Q Did it come to your attention a couple of years ago through the news media or some other source that Doctor Sheppard had been released?

A Yes.

Q You remember that?

A Yes, I do.

Q Did you read the accounts as to why he was released?

A No, I must admit I didn't.

Q Mrs. Cowan, you recall Mr. Corrigan reminding you that you have been given instructions that the defendant in every criminal case is presumed to be innocent?

A Right.

Q And you are aware, of course, that there has been a prior trial and that there was a verdict unfavorable to the defendant, and that has been set aside.

Mrs. Cowan, if Judge Talty instructs you that all these prior proceedings, everything that has happened from the day the last trial started until today is a nullity, it is meaningless, it has no effect on whether or not the defendant is guilty in the outcome of this case, and that we are starting fresh, do you feel that you can accept that instruction and wipe from your mind everything that you have heard?

A Yes, I do.

Q If in the course of this trial and your deliberations

as a juror, information that you heard from some other source should occur to you, something you remembered from the newspapers or another source, which conflicts with what has been said in court in the testimony from the witness stand, do you feel that you can effectively wipe from your mind any outside information that did not come out in the course of this trial?

A Yes, I do.

Q Do you have any difficulty in accepting the fact that Doctor Sheppard is presumed innocent in the eyes of the law?

A No, I do not.

Q Do you feel, Mrs. Cowan, that you have a completely open mind about this case?

A Yes, I do.

Q Mr. Corrigan talked to you about the kinds of evidence that may appear, and he mentioned that there would be perhaps some direct evidence or perhaps some circumstantial evidence, and you indicated that you would accept circumstantial evidence under instructions of the Court.

If you are given circumstantial evidence, that is, something other than an eye witness, but a series of facts from which you are asked to infer the guilt of the defendant, and you are instructed by the Court that only if those facts point only to guilt and not to possible guilt or possible

innocence, only then you convict ^{him} on that circumstantial evidence, will you be able to follow that instruction?

A Yes, I will.

Q Do you know who Coroner Sam Gerber is?

A Yes, I do.

Q Do you recall reading at the time of the prior trial and perhaps since some of his statements about the case?

A It has been a long time.

Q I understand. I take it your answer is no?

A That's right.

Q Do you recall whether or not any of the names of the police officers or detectives who were connected with the case were familiar to you at the time?

A No, I don't remember any of their names.

Q Do you have any member of your family connected with law enforcement?

A No.

Q Your only experience, then, in a criminal matter is when you were the victim of a holdup which I take it has never been solved?

A Right.

Q Do you think that that experience would in any way impair the impartiality of your judgment here?

A Oh, no.

Q Do you know what Doctor Sheppard's occupation was,

what kind of medicine he practiced before the slaying of his wife took place?

A I know he was a doctor, but I do not know what kind.

Q Do you know what an osteopath is, an osteopathic physician?

A I am familiar with the word but not of the procedures.

Q Well, do you have any opinion at the present time as to whether an osteopath is different than a medical doctor, that is to say, whether he is better or worse?

A No, I don't have an opinion.

Q If Judge Talty were to instruct you that a doctor of osteopathy and a medical doctor in the State of Ohio are viewed exactly as equals in the eyes of the law, so far as examinations and licenses and for every purpose in connection with this case, can you accept that instruction?

A Yes.

Q And deal with them as equals?

A Yes, I could.

Q If it is appropriate, Mrs. Cowan, you will be instructed by the Court that this defendant, like all defendants, has a Constitutional right not to testify, and that no inference is to be taken from his silence.

Now, if the State of Ohio presents proof that Marilyn Sheppard was murdered by someone in her home, and that Doctor Sam Sheppard was there, and he does not testify and does not

explain to you what he knows about this incident, doesn't say where he was or what he did, he just remains silent and does not present his evidence, will you be able to follow the instruction of Judge Talty as to his silence and not count one bit against him the fact that he did not testify?

A Yes, I will.

Q Will you be able to apply it to the extent that you would not in your own mind be at all suspicious of his silence?

A Yes, I would.

Q Do you feel that you understand the rule I have described?

A Right.

Q Since you have become aware that you were going to be a juror this month, have you talked with anyone about the Sheppard case generally?

A No.

Q Have you talked this case over with your husband from time to time?

A Not since 1954.

Q Do you have any recollection of any opinions that he may have expressed?

A No, I do not.

Q Is it fair to say that he has taken no position in

this matter?

A Right.

Q Mrs. Cowan, do you feel any sort of community pressure with respect to your participation in this case, in other words, do you feel that you are under any pressure to satisfy a preconceived notion of Doctor Sheppard's guilt or innocence?

A No, I do not.

Q If in the jury room you should find that the views which you have taken from the evidence are not shared by the majority of your fellow jurors, and even after discussion and deliberation your judgment remains the same, do you think you would be able to hold to that judgment and vote as you believe notwithstanding the disagreement of most of your confederates?

A Yes, I do.

Q It has been said, Mrs. Cowan, that a trial, especially a criminal trial, is a search for the truth, and I think we all hope that this will be.

But if at the conclusion of the evidence it seems uncertain to you just what the truth is, whether Doctor Sheppard did kill his wife or did not kill his wife, will you have any difficulty in resolving that doubt in favor of the defendant and finding him not guilty?

THE COURT:

Sustained as to form.

Q If Judge Talty instructs you that any reasonable doubt you may have at the conclusion of the evidence must be resolved in favor of the defendant rather than the State, do you think that you will have any difficulty in abiding by that instruction?

A No, I do not.

Q Mrs. Cowan, since you are assembled here as a panel member for the Sheppard case yesterday -- I assume you have given the matter some thought -- and upon your own sincere reflection, do you feel that you can represent that you are fully able to give this defendant a fair and impartial trial?

A I certainly do.

MR. BAILEY:

Pass for cause.

THE COURT:

Mrs. Cowan, would you be kind enough, please, to take the chair directly behind Mr. Severs.

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