

THE BAILIFF: Mr. Vichill, if you will kindly seat yourself, please.

- - -

THEREUPON, RALPH J. VICHILL, 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. Vichill.

MR. VICHILL: Good afternoon.

THE COURT: Mr. Vichill, the lawyers here at the trial table will put certain questions to you, and in answering these questions, Mr. Vichill, will you please keep your voice up so that each person in this room can hear your answers.

MR. VICHILL: Yes, sir.

THE COURT: Is this your first time you have been called as a prospective juror?

MR. VICHILL: Yes, it is.

THE COURT: And are you a little nervous?

MR. VICHILL: Little.

THE COURT: If you will just

sit back in the chair and relax and listen to the questions, sir, and answer them accurately and forthrightly.

If the lawyer believes another question is necessary, he will put the question or a series of questions to you.

You understand that, do you not, sir?

MR. VICHILL: Yes.

THE COURT: Now, each person in the room must hear your answers. Mr. Romito, our court reporter here, must report what you say, so you cannot just nod your head. You will have to respond audibly.

MR. VICHILL: Yes, sir.

THE COURT: Do we understand each other?

MR. VICHILL: Yes, sir.

THE COURT: Thank you, sir.

Counselor Corrigan or Spellacy?

VOIR DIRE EXAMINATION OF RALPH J. VICHILL

By Mr. Corrigan:

Q Will you state your name, please, in full?

A Ralph James Vichill.

Q If you will talk loud enough so that the folks in the

back of the courtroom can hear you, we will all be able to hear you. Understand that?

A Yes.

Q Where do you live?

A 652 Quilliams Road, Cleveland Heights, Ohio.

Q How long have you lived at that address?

A One year.

Q Where did you live prior to living there?

A Euclid, Ohio. 23821 Lakeshore Boulevard.

Q How long did you live at that address in Euclid, Ohio?

A Five years.

Q Where did you live before that?

A On 146th Street in East Cleveland.

Q How long did you live at that address?

A About two years.

Q Where did you live in 1954?

A In 1954, my residence was Maple Heights, Ohio. I was in attendance at Cornell University at that time.

Q You will have to keep your voice up, please.

A Sorry.

Q How old are you?

A I am thirty-three.

Q Did you attend school in the Greater Cleveland area?

A Maple Heights High School.

Q You finished there in what year?

A 1950.

Q Are you married, sir?

A Yes, sir, I am.

Q Do you have a family?

A Yes, I do.

Q How many children, and what are their ages?

A I have four children, and their ages are six, four, four, and one.

Q And what is your employment, sir?

A Quality Control Engineer for General Electric Company.

Q How long have you been so employed?

A About eleven years.

Q Where are they located?

A Nela Park, East Cleveland, Ohio.

Q Is your wife employed outside of the household?

A She has a part-time job with J. C. Penney Company.

Q This is a clerk, I take it?

A She is a Home Decorator Consultant?

Q I see; and what store of the J. C. Penney chain does she work in?

A The Northfield Plaza Center.

Q In 1954, did you have occasion to read anything about the Sheppard case in the newspapers?

A Very little.

Q Did you read anything in any magazines?

A I don't believe so. I don't recall for sure.

Q Did you ever read any books in connection with that case?

A No, I did not.

Q Since 1954, have you had occasion to read anything about it in the newspapers?

A One or two occasions recently.

Q Just yes or no.

A Yes.

Q Have you had occasion to hear something about it on radio or see anything on television about it?

A Yes.

Q That which you have read in the papers and heard and seen on television and radio, did you follow it quite extensively or closely?

A No, sir.

Q Have you had occasion to discuss this case with your wife or any members of your family?

A No, sir.

Q Or other acquaintances?

A No, sir.

Q Have you had occasion to have others express an opinion to you or talk to you about it?

A I believe so.

Q On how many occasions have you heard others express

opinions in connection with this matter?

A Very few.

Q Approximately how many?

A Three or four.

Q Were these opinions persuasive in any manner?

A No, sir.

Q Did you respond in any manner to these opinions that were expressed to you?

A No, sir.

Q Did you yourself ever formulate an opinion predicated on what you heard from others, what you read, or from any source whatever?

A No, sir.

Q Any members of your family or any of your close relatives or acquaintances, members of law enforcement agencies?

A No, sir.

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

A No, sir.

Q Do you know anybody in the County Coroner's Office?

A No, sir.

Q The Sheriff's Office?

A No, sir.

Q Do you know Doctor Sam Sheppard?

A No, sir.

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

A No, sir.

Q Or Mr. Lee Bailey?

A No, sir.

Q If his Honor Judge Talty instructs you that the law provides that a defendant in a criminal matter is presumed to be innocent unless and until proven guilty beyond a reasonable doubt, would you accept that instruction of the law?

A Yes, I would.

Q Would you be able to follow that and presume this defendant from this day forth innocent unless and until the State proves him guilty beyond a reasonable doubt?

A Yes.

Q Do you know any members of the prospective jury that are in the jury box now?

A No, I do not.

Q If you are selected as a member of this jury, would you be able to, if it reached the point where you would be called upon to deliberate in this matter, would you be able to discuss all of the facts and the testimony, the evidence, as you determine them to be in this courtroom, fully and completely with your fellow jurors?

A I believe so.

Q And would you do this a view in mind of arriving at a fair and impartial verdict, fair to both the defendant and the State of Ohio?

A Yes.

Q I anticipate that Judge Talty will instruct you that there are several kinds of evidence, direct evidence and circumstantial evidence.

He will tell you that direct evidence is that which we perceive by our senses, that which we see or we feel or we touch or we hear.

Circumstantial evidence is differentiated from direct evidence in that it is a conclusion that we arrive at from a set of facts.

43 For example, if at noon time when you came in today, the sun was shining, and the streets were dry, the buildings and the lawns and the trees were dry, and if you had no opportunity to look out of the building, nor did you go out of the building until 4 o'clock this afternoon, but when you got out there you found that the streets were wet, and the trees and the lawns and the buildings and everything generally was wet, it would follow, would it not, in the normal sense of things, that it had rained sometime between noon and four o'clock?

A Yes, sir.

Q Though you had not seen it rain. But from all of

those facts you would arrive at that ultimate reasonable conclusion, would you not?

A Yes, sir.

Q This is what we mean by circumstantial evidence.

A Yes.

Q On the other hand, if you saw only the street was wet, it may have rained, but somebody may have hosed down the street, or a street cleaner may have gone down with a water truck, or it may have rained, so there would be several possible inferences from that set of facts, and the Court would tell you in that instance that that would not be substantial evidence that you could accept, because it lent itself, circumstantial evidence, because it lends itself to many inferences, or more than one inference.

So it would not properly be proven, to come to the conclusion that in fact it rained and that is all.

The Court would instruct you to disregard circumstantial evidence of that sort.

Could you accept that instruction?

A Yes, sir.

Q Do you have a family doctor, sir?

A Yes.

Q Is he an M. D. or an osteopathic physician or surgeon?

A M. D.

Q Do you know what an osteopath is?

A I believe so.

Q Assuming that in this case we would have testimony by medical doctors, and osteopaths, and assuming further that Judge Talty would instruct you that whether the man be an osteopath or an M. D., that in the law both of these professions are equal, would you cause yourself to give greater believability or greater weight to the testimony of one of those men, simply because he was an M. D., or simply because he was an osteopath?

A Not simply because he was one or the other.

Q In other words, you would approach him as you would approach any other witness, and employ your everyday common sense in determining whether or not to believe him and how much to believe, or whether to believe it all or none?

A Yes.

Q Now, I anticipate that police officers or governmental officials will testify in their official capacity; if this is so, would you cause yourself to give greater believability to such a witness simply because he is a policeman or a governmental official?

A No.

Q So here again you would put him on a plane with all witnesses?

A Yes.

Q The Court would instruct you, of course, that you

would take into consideration the interest or the lack of interest of a specific witness in the case; would 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 that hospital is located?

A I frequently drive out Lake Road.

Q When you say frequently, how often?

A Oh, once every other month, approximately.

Q In the course of driving out that way, I take it at times you have been with others in the automobile?

A Yes.

Q Has the fact that you passed that hospital caused you to engage in conversation about that hospital with others?

A Simply that it was Doctor Sheppard's hospital.

Q Keep your voice up.

A Simply that it was Doctor Sheppard's hospital.

Q So on those occasions you would Doctor Sheppard and Bay View Hospital, is that right?

A No further than the statement I just made.

Q Did you come to know where Doctor Sheppard and Marilyn Sheppard had lived in that vicinity?

A No, sir.

Q Do you know other members of the Sheppard family?

A No.

Q Now, when you had indicated that you had some discussions simply that this was Doctor Sheppard's hospital, if the Court instructs you that this hospital did not belong to Doctor Sheppard, that he merely worked at the hospital, would you accept that instruction?

A Yes.

THE COURT: Proceed, Counselor.

MR. CORRIGAN: Beg pardon?

THE COURT: Please proceed.

Q If the Court instructs you that it would be your duty and your function to put out of your mind absolutely any information that you have from whatever source, predicate your judgment solely on the evidence and the testimony that will be produced in this courtroom, would you be able to follow that instruction?

A Yes.

Q You see, if we were to rely on that which we read in the newspaper or a magazine, or that which we heard from somebody else, we don't know where these people got their information from, we don't know whether they fabricated it, whether it is true or not true, it is not under oath, so we cannot attest any credibility to that which we heard from some other sources, and that is the reason for the rule, and

you understand that?

A Yes.

Q The law further provides that in a criminal case a defendant is not compelled to be a witness against himself, and the fact that he is not a witness against himself or chooses not to be, may not be construed by you as any evidence whatever, and particularly as any evidence of his guilt, and if the Court so instructs you, would you accept that instruction?

A Yes.

MR. CORRIGAN: Pass for cause,
your Honor.

THE COURT: Counselor Bailey
of Sherman?

VOIR DIRE EXAMINATION OF RALPH J. VICHILL

By Mr. Bailey:

Q Mr. Vichill, I take it you are aware that there was an earlier trial?

A Yes.

Q And a higher court has set aside the result of that trial?

A Yes.

Q Would you keep your voice up, please?

A Excuse me. Yes.

Q If this Court instructs you that in considering the merits of this case, the entire proceedings from the day the last trial started until the day this started, are void and meaningless, of no significance, could you accept that and conscientiously apply it to your own deliberations, and attach no significance whatsoever to what happened before?

A Yes.

Q I take it you have no difficulty -- notwithstanding whatever you may have heard -- in according to Doctor Sheppard a presumption that he is innocent right now?

A Yes.

Q You are a Quality Control Engineer; what sort of particular work does that involve at General Electric?

A Well, we manufacture light bulbs, and my work is somewhat routine, somewhat trouble-shooting, somewhat of a test nature. I have many duties.

Q Do you have an engineering background, educational background?

A Yes.

Q And that was at Cornell?

A Yes.

Q You graduated in about '54 or '55?

A '57.

Q '57?

A Yes.

Q Were you in the service at all?

A No.

Q Do you know of any reason why you can't give Doctor Sheppard and the State of Ohio a completely fair and impartial and objective trial?

A No, I don't know of any reason.

MR. BAILEY: Pass for cause.

THE COURT: May I see Counselors?

Will you remain seated, please.

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

THE COURT: Gentlemen, as I read my notes, it is my belief that both the State of Ohio and the defense have exhausted their peremptory challenges. Is that your understanding, Mr. Corrigan?

MR. CORRIGAN: That is correct.

THE COURT: Is that your understanding, Mr. Bailey?

MR. BAILEY: I have used four. The reason I qualify my answer, your Honor, is because we have taken the position that one of those should have been a challenge for cause.

THE COURT: Yes, but you --