

Thereupon MELVIN C. HOLLIDAY, being first  
duly sworn, was examined and testified as follows:

EXAMINATION OF PROSPECTIVE JUROR MELVIN C. HOLLIDAY:

BY THE COURT:

Q And now, do I understand that your name is Melvin C. Holliday?

A That's correct.

Q And you live at 2314 West 37th Street?

A That's correct, your Honor.

Q Mr. Holliday, are you a married man?

A Single.

Q Single man?

A Yes, sir.

Q And who do you live with?

A My mother.

Q And how long have you lived where you now live?

A Since 1932.

Q 1932?

A Yes, your Honor.

Q And is the entire household consisting of your mother and  
yourself?

A My brother, also.

Q You have another brother?

A Yes, your Honor.

Q Is he single, too?

A He is single, also.

Q And what is your occupation?

A I am a photostat operator.

Q A what?

A A photostat operator.

Q And who are you employed by?

A The Rapid Photo Company.

Q And where is their place of business?

A The East Ninth-Chester Building.

Q Where?

A The East Ninth-Chester Building.

Q And how long have you been so employed?

A Since 1945.

Q And what does your brother do, if I may ask?

A He is a shipping clerk.

Q Who is he employed by?

A Pre-Packaged Products Company.

Q Have you ever served as a juror before?

A No, your Honor.

Q Have you ever appeared as a witness in a case?

A I have been called as a witness, but I have never testified.

Q Was that call in a civil case or a criminal case?

A Civil case.

Q You were here, I take it, on Monday morning when the Court introduced these gentlemen and told you who they were?

A Yes, your Honor.

Q Do you know any of them?

A No, your Honor.

Q Do you know the County Prosecuting Attorney, Mr. Frank T. Cullitan or any member of his staff?

A No, I do not.

Q Or the sheriff of this county or any member of his staff?

A No, I do not.

Q Or the coroner or any member of his staff?

A No.

Q Have you any relatives who are members of a Police Department or some law-enforcing agency?

A No, your Honor.

Q Have you heard of this Sheppard case before?

A Yes, sir, I have.

Q Have you read newspaper stories or heard radio comments or television comments or any other news media? ✓

A Yes, sir, I have. ✓

Q How many of them?

A Quite a few. ✓

Q And have you discussed the case with other people? ✓

A I have, your Honor. ✓

Q Have you formed an opinion of your own as to the guilt or innocence of Sam Sheppard? ✓

A From what I have read and listened --

Q Don't say what it is, if you have.

A Yes, I have. ✓

Q And is that opinion based on what you have read and heard and discussed with other people? ✓

A It is, your Honor.

Q And only on that? ✓

A Only on that.

Q And is your opinion such that it could not be changed by evidence produced from the witness stand here?

A No, it is not a positive opinion. ✓

Q It is not what?

A It is not a positive opinion.

Q If you were selected as a juror and you heard evidence from this witness stand where you now sit, and you heard the Court give instructions to the jury as to the law applicable to cases of this kind, could you, in spite of what opinion you have, set it aside and be guided only by what you hear in this courtroom in the evidence and the instructions of the Court, and be guided solely in your decision by those?

A Yes, your Honor, I could. ✓

Q And you understand that it is the function of the jury to decide what the facts are, and they are the only people who have anything to do with finally deciding what the facts are?

A Yes, sir.

Q And that you are to weigh the testimony of all people without

regard to their station in life, their official position or anything else?

A Yes, your Honor.

Q That all people are alike on this witness stand, do you understand that?

A Yes, sir, I do.

Q Have you received any communication at all of any kind, by mail, telephone, telegraph or any other means?

A Yes, I have.

Q Concerning this case or something about it since July 4th?

A Yes, your Honor.

Q What did you receive and how?

A I received the letter in the mail that was publicized in the paper, the two-page letter.

Q Have you got it with you?

A Yes, your Honor, I have.

MR. CORRIGAN: Is it the same thing?

PROSP. JUROR HOLLIDAY: Yes.

Q Have you any idea who sent you that?

A No, sir, I do not.

Q Have you entertained any thought that the Sheppard family or some of their friends sent you that?

A No, sir, I have not.

Q Well, I ought to tell you now, to set your mind at ease, that not anybody here have any idea that any of the Sheppard family

or friends at all sent that communication. We know who sent it, and he has no connection whatever with either the Sheppard family or this case.

Now, as a result of having received that communication, has it in any manner affected you or would it affect your judgment?

A No, sir, not as far as this case goes.

Q You could disregard it entirely?

A Absolutely.

Q Have you any objection in a proper case and upon proper proof to capital punishment?

A No, your Honor, I do not.

Q And do you honestly believe that if selected as a juror in this case, you could sit here patiently and listen to the evidence and the instructions of the Court and render an honest judgment on the basis of those and those alone?

A Yes, I could.

THE COURT: Mr. Mahon.

MR. CORRIGAN: May we mark this?

THE COURT: Yes. Will you mark it the next three numbers?

(Court's Exhibits A-9, A-10 and A-11 were marked for identification.)

THE COURT: They will be received for the purposes of this inquiry only.

(Court's Exhibits A-9, A-10  
and A-11 were received.)

BY MR. DANACEAU:

Q Mr. Holliday, I believe you stated in response to a question by Judge Blythin that you had formed an opinion before coming down to this building in response to a summons as a juror in this case, is that right?

A That's correct.

Q And I believe you also stated that you could set that opinion aside completely?

A I could.

Q And decide this case solely on the basis of the evidence that is received in this courtroom?

A Yes, sir.

Q You also stated, I believe, that you read accounts of this matter in the newspaper?

A I have.

Q And some of it on the radio?

A Yes, sir.

Q Some on television?

A Correct.

THE COURT:  
simple question?

Could I ask him just one

MR. DANACEAU:

You can ask him two.

THE COURT:

Is this the only communica-

tion of any kind that you received?

PROSP. JUROR HOLLIDAY: Yes, your Honor, it is.

THE COURT: All right.

BY MR. DANACEAU:

Q Mr. Holliday, I believe you understand, do you not, that in the United States and in Ohio and every state in our Union people who are charged with crime are tried in the courts?

A Yes, sir.

Q And nowhere else?

A Yes, sir.

Q Now, I don't want you to tell us in any way or suggest in any way what that opinion may be. I want you, however, to search your own mind and heart and tell us whether or not, if you are selected as a juror, you will permit anything that you might have read or heard outside of this courtroom to interfere or influence you in any respect whatever in the discharge of your duties as a member of this jury, if you are selected?

A No, sir, it would not.

Q I stated to you that a person charged with a crime is tried in a courtroom and nowhere else.

A True.

Q Now, in the courtroom he is tried under our laws and under rules of evidence which are our laws. Do you understand that?

A Yes, sir, I do.



Q And those rules will be laid down by the Judge who presides. Questions are sometimes asked and objections are made, and the Court is called upon to rule on those objections. Will you permit what is put in a question to influence you one way or the other if the Court rules that that is an improper question?

MR. CORRIGAN: I object to that.

A What is that question again? Will you please repeat it?

THE COURT: Do you understand the question?

PROSP. JUROR HOLLIDAY: I wish he would repeat it, please.

MR. CORRIGAN: Wait a minute. I want to object to the question.

THE COURT: Will you read the question, please?

(Question read by the Reporter.)

THE COURT: He may answer that.

MR. CORRIGAN: I am not going to ask any improper questions.

MR. DANACEAU: Are you Santa Claus?

MR. CORRIGAN: I don't ask improper questions.

THE COURT: We are not going to assume anybody is going to ask anybody else an

improper question. But I think that is a proper question for him to answer. You may answer.

PROSP. JUROR HOLLIDAY: Would you repeat it once more, please?

THE COURT: Perhaps we can abbreviate it to him. If any attorney should, in the progress of this trial, ask a question and an objection is made and the Court overrules the objection -- I mean sustains the objection and does not let it in, will you disregard entirely the suggestion contained in the question?

MR. DANACEAU: That's right.

PROSP. JUROR HOLLIDAY: Yes, your Honor, I will.

THE COURT: In other words, will you forget that business altogether?

PROSP. JUROR HOLLIDAY: Yes.

THE COURT: All right.

BY MR. DANACEAU:

Q Now, discussions sometimes take place between the attorneys and the Court and between the attorneys across the table. You don't consider those discussions part of the evidence, do you?

A No. I couldn't very well.

Q And if you hear something that takes place in the course of

those discussions, an argument, you wouldn't consider any part of that as evidence in the case?

A No, sir.

Q What I am getting at, sir, is that this case in this courtroom is submitted to you on the evidence given by the witnesses who are on the witness stand under oath.

A Yes, sir.

Q And not in the newspapers and not by the lawyers or anybody else in the courtroom. Do you understand that?

A I understand that, yes.

Q And any statements made by lawyers or anybody else in the courtroom will be disregarded by you just as you will disregard anything in the newspapers?

A Yes, sir.

Q Have you ever appeared in a trial before?

A No, sir, I haven't.

Q This is your first appearance in the Courthouse?

A Not the first.

Q This is all kind of strange to you, is it not?

A No, sir. I have been a witness in one before.

Q Oh, you were a witness in a case?

A Yes, sir.

Q Well, sir, in the trial of a case, a criminal case, it has been indicated to you, the rules of law, both with respect to the indictment and with respect to the evidence, what

evidence you can hear and what evidence you cannot hear, will be given to you by Judge Blythin, and you will, of course, accept those instructions without any qualifications whatsoever?

A Yes.

Q And without any reservation of any kind?

A Yes.

Q Now, by the same token, you and the other members of the jury are the sole judges of what the facts are. Do you understand that, sir?

A Yes.

Q You will get the facts from the witnesses who take the witness stand and testify under oath, and you will apply to those facts the law given you by Judge Blythin?

A Yes, sir.

Q Now, it will be your responsibility as a juror, and the responsibility of the other members of the jury, to decide from the witnesses what the truth is as to the facts, and so you will have to weigh the evidence of the various witnesses, and the Judge will instruct you, Judge Blythin will instruct you as to the certain guides that you are to use in weighing the evidence of the witnesses; such things, for example, as is the witness interested in the outcome of the case one way or the other, is he in a position to have knowledge of the facts about which he testifies, is he biased

or prejudiced one way or the other, is he forthright, those are the guides, some of the guides the Court will give you. Will you apply those guides to all the witnesses who take the stand?

A Yes, sir, I would.

Q And you will apply those same guides to all the witnesses, no matter who they are?

A Yes, sir, I would.

Q Whether high in station in life or low in station in life?

A Yes, sir.

Q Whether they are employed by the State or whether they are private citizens?

A Yes, sir.

Q You will apply the same guides to all equally, is that correct, sir?

A Yes, sir, that's correct.

Q Now, when a person is charged with a crime, sir, that is done in a case of a felony or such a charge as murder in the first degree, which is a felony, by an indictment of the Grand Jury. The Grand Jury of this county, like the Grand Jury of all our counties, generally, hears only one side of the case, and it hears witnesses that are subpoenaed either by the Prosecutor or by the Grand Jury itself. In other words, it hears the case, as we lawyers say, ex parte, one side. It does not necessarily, and did not in this case, hear

the defendant or any witnesses requested by the defendant.  
It heard only one side, and so it made this charge.

Now, under our law that is all it is, just a charge.  
There is no presumption of guilt just because the Grand Jury  
returned an indictment. You understand that, do you not?

A I do.

Q And on the contrary, there is a presumption of innocence  
against a defendant, which remains with him until the State  
has proved his guilt of the crime charged in the indictment  
beyond a reasonable doubt. Do you understand that, sir?

A I understand that.

Q And until such time as the State proves its case beyond a  
reasonable doubt, that presumption remains with him; you  
understand that, sir?

A I do.

Q Now, in this case, sir, the defendant is charged with murder  
in the first degree, which unless the jury decides to give  
mercy carries with it the death penalty. You understand that,  
sir?

A I do.

Q And I believe you stated that you are not opposed to capital  
punishment, in response to Judge Blythin's question?

A I am not opposed to capital punishment, no.

Q And that in a proper case, you could join with your other  
fellow jurors and return a verdict that would carry with it

the death penalty?

A Yes, sir.

Q That is a very serious business, you understand that?

A I realize it, yes.

Q And Mr. Garmone -- I beg your pardon. He hasn't questioned you, but he questioned some of the other jurors. As counsel for both sides have said to other jurors, I will say to you, sir, that you are the best judge of whether or not you possess the qualifications to sit here as a fair and impartial juror; that you, and you alone, know whether there is anything at all that could possibly disqualify you and prevent you from being a fair and impartial juror, fair both to the defendant and to the State of Ohio. Do you know of anything that would prevent you from being a fair and impartial juror?

A No, sir, I don't. I know of nothing.

MR. DANACEAU: Pass for cause.

BY MR. CORRIGAN:

Q Mr. Holliday, I represent Dr. Sam Sheppard. Corrigan is my name. This is Mr. Petersilge and Mr. Garmone. I want you to know that this is Dr. Sam Sheppard, the man on trial.

Now, there are a few questions that I want to ask you touching upon your qualifications as a juror in this case.

A I am sorry, I didn't hear you, sir.

Q I say, there are a few questions that I want to ask you

touching upon your qualifications as a juror to try him. Most of the questions have been asked by Mr. Danaceau, and I won't repeat them, but you are a stranger to me. How long have you lived in Cleveland?

A All my life, sir.

Q And how long have you been with the Photostat Company?

A I have been employed there ever since 1937, but it has changed hands. I am with the present people nine years.

Q What company did you work for before that?

A It was the Rapid Copy Company.

Q How many years have you been in that particular business?

A 17 years.

Q Have you always lived in Cleveland?

A All my life.

Q Where did you go to school?

A West Tech.

Q West Tech?

A Yes, sir.

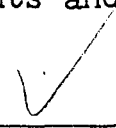
Q Did you graduate from West Tech?

A I left in the 12th grade.

Q And then you went to work?

A Yes, sir.

Q Now, your opinion that you have, has it been entirely from reading newspaper accounts and listening to the television and the radio?





A Yes, sir, it has.

Q Looking at the television and listening to the radio?

A Yes, sir.

Q Have you discussed it with other people?

A I have.

Q Have you discussed it with anybody that had any first-hand information about this affair?

3 A No, sir, no one with any first-hand information.

Q The people that you discussed it with had obtained their information from the same sources you had obtained it?

A Yes, sir.

Q Did you hear it discussed at any parties or any gatherings or anything of that kind?

A No, sir. Mostly at work.

Q At work, among the men at work?

A Yes, sir.

Q Was there any people there that knew anything about the Sheppard family or Bay View Hospital?

A No, sir, not a thing.

Q And did you read any magazines? There were several magazines that were published that had articles about this case in it.

A No, sir, magazines I have not.

Q You did not read those. There was a great many people who drove out to the house. You know about that, don't you?

A I read that in the paper, yes.

Q Did you ever go out there?

A No, sir, I never have.

Q Did you ever talk to anybody that went out there?

A Yes, sir, I did.

Q What?

A Yes, sir, I did.

Q And were they people that worked with you?

A Yes, sir, they were.

Q And how many occasions did they discuss that with you,  
that they had driven out and looked at the house?

A Just once.

Q Just once?

A Yes, sir.

Q Did they tell you what kind of a house it was, and so forth?

A No, sir, they didn't. They just said they drove by there  
on the way to Cedar Point.

Q What was that?

A They said they drove by there on the way to Cedar Point.

Q And as they passed by the place, was it pointed out?

A I don't know if it was pointed out, but they did identify  
it.

Q Anyway, they saw it. Of course, you say that -- we are  
entitled to a fair jury and fair-minded people that will  
decide this case solely on what they hear here in Court, the  
sworn testimony of witnesses who claim that they know what it

is about. You realize that, don't you?

A Yes, sir, I do.

Q And if you were on trial, or any of your friends or close relatives were on trial, you would want a fair and unbiased juror to sit in the case?

A Positively.

Q Now, are you that kind of a juror?

A Pardon?

Q Are you that kind of a person?

A I know I am.

Q You know you are, and that you can sit here and get all your impressions here?

A Yes, sir.

Q You know there has been tremendous publicity about this case, don't you?

A I realize that. ✓

Q And it is going on now every day?

A I realize that. ✓

Q Our corridors here are full of reporters and photographers, and every time you turn around you get your picture taken?

A I realize that. ✓

Q And your picture will probably be in the paper tonight or tomorrow; you realize that?

A Yes, sir. ✓

Q Now, is that hurrah about this case going to affect you in

any way?

A No, sir.

Q You will give this young man a fair trial in this courtroom?

A I definitely will.

Q Now, there are a few questions that every juror must understand, and that is the law of the State of Ohio, and I want you to understand them before you take your place in the box. It is the law of the State of Ohio that -- let me put it this way: This man was indicted by the Grand Jury, charged with first degree murder; you know that, don't you?

A Yes, sir, I do.

Q This is the law, now, and let's see if you believe in it: That a person that is indicted, that the indictment doesn't raise any presumption of his guilt, that even though he is indicted he is presumed to be innocent.

A Correct.

Q And the burden on the prosecution all the time is to prove a man's guilt beyond a reasonable doubt. Now, do you believe in that law?

A Yes, sir, I do.

Q Do you abide by it?

A Yes, sir.

Q And that presumption of innocence goes with him until you go to your jury room?

A Correct.

Q The law is further that a juror shall not make his mind up on one phase of the case or two phases of the cases, but he shall make his mind up on the entire picture presented to him. Is that the way you will decide this case?

A Yes, sir.

Q On everything?

A Yes, sir.

Q Will you reserve your judgment until you hear all the evidence and the Charge of the Court before you come to any conclusion about this matter?

A I shall.

Q Now, I will take up that question of murder in the first degree. This indictment charges first, murder in the first degree. There is included in that indictment murder in the second degree and manslaughter, and the Court will charge you on what those elements that make up each one of those degrees of murder are.

Now, murder in the first degree is that -- and he is charged with that and these included offenses -- that he unlawfully and purposely and of deliberate and premeditated malice, on the 4th of July, killed his wife, Marilyn. Now, that is the charge of the indictment.

Now, if the Court tells you that it is incumbent upon the State, no matter what degree of murder is included in

that indictment, that it is incumbent upon the State to prove beyond a reasonable doubt each one of the elements that make up the crimes that are charged in that indictment, that each one of the elements of first degree must be proven, all of them, not one or two but all of them must be proven before a man can be found guilty of first degree murder; that the elements that make up second degree, all of them must be proven before a man can be found guilty of murder in the second degree, first degree and second degree, and in manslaughter all the elements must be proven before a man can be found guilty of manslaughter, if the Court charges you that, will you follow that rule and abide by it and place upon the prosecution the burden of proving those elements of all of those crimes that are charged in this indictment?

A Yes, sir, I would.

Q Now, the State will introduce evidence, circumstantial evidence in this case, and if the Court charges you that when such evidence is introduced, that when reliance for a conviction is based upon circumstantial evidence, the facts and the circumstances upon which the theory of guilt is based must be shown beyond a reasonable doubt, and where they are taken together, must be so convincing as to be irreconcilable with the claim of innocence on the part of Sam Sheppard and must admit no other supposition except his

guilt, if you are charged that way, will you follow that and apply that law in regard to circumstantial evidence?

A Yes, sir, I will.

Q Now, you have told me that you have talked about this matter with people up in the shop, and so forth. How many people are there in the shop, by the way?

A Offhand, nine or ten.

Q Men or women?

THE COURT: How many?

PROSP. JUROR HOLLIDAY: About nine or ten.

Q Are they men or women?

A One woman, the rest men.

Q Now, of course, when your picture is in the paper, as it probably will be, and the fact that you are on this jury may cause some comment among your fellow workers --

A It probably will, yes, sir.

Q Now, they have expressed opinions about this matter, haven't they?

A They have.

Q Let me ask you, and you be very fair and frank with us, whether anything about the fact that they would be expressing opinions opposite to yours or in conflict with yours, would it in any way have any effect upon the verdict that you would render here?

A No, sir, it would not.

Q That you would want to please anybody or that you would want to be conformed to anybody's idea?

A Absolutely not.

Q What?

A Absolutely not.

Q Now, this will involve, this case will involve a discussion of the human body and of the wounds that Marilyn Sheppard suffered, the autopsy, and some very distressing facts. There are some people that cannot stand to listen to that kind of testimony. Can you?

A Yes, sir, I can.

Q Now, there will be the coroner of the county who will testify here, I expect, and various police officials. You have told the Court that you don't have any connection with police officials or police officers of any kind, is that right?

A None whatsoever.

Q Or with the coroner's office?

A None whatsoever.

Q Have you arrived at this conclusion in your mind from experience, from reading, from anything: That you would give greater weight to what a public official, like the coroner, said or a police officer of the City of Cleveland, or any other city, would you give greater weight to their testimony because they occupy public positions, just because they occupy public positions, than you would to doctors that we may call?



A No, sir, I would not.

Q Or to witnesses that we may call that may contradict what they have to say?

A No, sir.

Q You would weigh that?

A I would.

Q Would the fact alone that Dr. Sheppard was in the house when his wife was found murdered, without any supporting evidence, testimony, be sufficient in your mind to find him guilty of murder?

MR. MAHON: Objection.

MR. DANACEAU: Objection.

THE COURT: Objection sustained.

MR. CORRIGAN: That was the question that I asked before, and it was allowed.

MR. MAHON: No, it wasn't allowed.

MR. CORRIGAN: That was the statement that was made by the Prosecutor in the bond hearing.

MR. MAHON: We aren't trying a bond hearing here.

MR. CORRIGAN: Don't all yell at once. One at a time.

THE COURT: That was in argument.

MR. CORRIGAN: That is a very essential thing.

THE COURT: There was no evidence on that subject in the bail hearing.

MR. CORRIGAN: I have the bail hearing here, and I will show it to you.

THE COURT: The Prosecutor talked about it.

MR. CORRIGAN: What?

THE COURT: The Prosecutor talked about it.

MR. MAHON: Argument about it, that's all.

MR. CORRIGAN: And the Court argued about it.

MR. MAHON: Well, that's all right. We are not trying a bail hearing here.

THE COURT: The objection will be sustained.

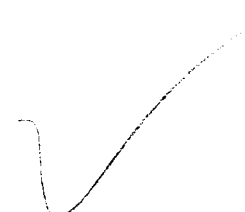
MR. CORRIGAN: Well, now, you don't have to tell me you are not trying a bail hearing. I know you are not trying a bail hearing.

MR. MAHON: Well, you don't seem to know it.

Q Now, did you ever hear of Susan Hayes?

A From the paper, yes, sir.

Q Did you see her picture in the paper?



A I have.

Q And you read statements by her?

A Yes, I have.

Q If the prosecution shall produce evidence to show that Sam Sheppard during his married life has committed offenses contrary to his marriage obligations in order to prove a motive, would the proof of such acts have such weight with you that you would disregard the proof necessary to prove the elements of this crime charged in the indictment?

MR. MAHON: Objection.

THE COURT: Objection sustained.

Q Would the fact that he had affairs with --

MR. CORRIGAN: I except.

Q Would the fact that he had any affairs with another woman bias or prejudice you in this case?

MR. MAHON: Objection.

Q So that you could not render a fair and impartial verdict under the law?

MR. MAHON: Objection.

THE COURT: Objection sustained.

Q Do you have any strong opinions about sex deviation by a married man, such that it would influence your verdict in this case?

MR. DANACEAU: Objection.

MR. MAHON: Objection.

THE COURT: Objection sustained. ✓

MR. CORRIGAN: Now, can't we ask that?  
Do I know what this man's -- oh, I except, I except.  
I don't know what the man's feeling is on the thing,  
and I know they are going to bring Susan Hayes into  
this courtroom.

THE COURT: I don't know what the  
evidence will be, Mr. Corrigan, and until we know  
what the evidence will be --

MR. CORRIGAN: I know what the  
evidence will be. I know Susan Hayes has been  
blasted in the papers and everything else. ✓

He knows everything.

THE COURT: Mr. Corrigan, we  
all have to try this case, not you alone, surely.

MR. CORRIGAN: Well, are you going  
to rule that evidence out when it comes here, when  
I can't ask this question of the juror?

THE COURT: We will rule on it  
when we get to it.

MR. MAHON: If your Honor please,  
we want to object to these comments that are made  
here. The Court has ruled on this.

THE COURT: Surely. Let's proceed.

Any further questions, Mr. Corrigan?

MR. CORRIGAN: I have no further questions. I have that question that I want to ask the man and get his idea on it to find out what his thinking is on the subject.

MR. GARMONE: Will the Court just bear with us for a while?

THE COURT: Mr. Corrigan has no further questions. If you do, of course, you may propound them.

MR. CORRIGAN: I have no further questions.

THE COURT: All right. You may take your seat, No. 6 over there, after we recess, please.

Will you folks be kind enough during the recess to observe the caution which the Court has expressed, do not discuss this case with anybody?

(Recess taken.)