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THEREUPON, RUSSELL JEFFERSON, 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. Jefferson.

MR. JEFFERSON: Good afternoon.

THE COURT: Mr. Jefferson, the lawyers will put questions to you, and you will have to keep your voice up so that each person in this room can hear you.

Do you understand that?

MR. JEFFERSON: Yes, sir.

THE COURT: You are under oath, Mr. Jefferson, and the lawyers will put questions to you, and Mr. Romito, who sits right before you, he must report everything that you respond to in the record, understand that, sir?

MR. JEFFERSON: Yes.

THE COURT: Now, you will have to speak loudly enough so that each of us can hear you, and so that Mr. Romito can perform and carry out his responsibility.

Do you understand that?

MR. JEFFERSON: Yes, sir.

THE COURT: Counselor Corrigan
or Spellacy?

VOIR DIRE EXAMINATION OF RUSSELL JEFFERSON

By Mr. Corrigan:

Q Will you state your name, please?

A Russell Davis Jefferson.

Q Where do you live, Mr. Jefferson?

A 12805 Signet Avenue.

Q In what community is that located?

A Zone 20.

Q In the city of Cleveland, is that correct?

A Yes, sir.

Q How long have you lived at that address?

A About eight years.

Q Where did you live before living there?

A 132nd off of Kinsman.

Q How long did you live on 132nd off of Kinsman?

A About four years.

Q Where did you live in 1954, Mr. Jefferson?

A I am not sure, but I think it was 143rd and Kinsman.

Q Nevertheless, you were living in the Cleveland area?

A That's right.

Q Are you a native of Cleveland?

A Yes, I am.

Q Did you attend the Cleveland Public School System?

A Yes, I did.

Q What is your present occupation?

A Postman.

Q If you will talk loud enough so that the people in the back row will hear you, none of us will have any difficulty hearing you, all right?

A I work at the United States Post Office, letter carrier.

Q You are a mail carrier?

A Yes, sir.

Q How long have you worked as a mail carrier, Mr. Jefferson?

A About ten years.

Q What did you do before becoming a mail carrier?

A I worked at White Motors.

Q And in what capacity did you work at White Motors?

A I was a laborer.

Q Keep your voice up.

A I was a laborer.

Q How long did you work for White Motors?

A About one year.

Q And what did you do before working for White Motors?

A I used to work at the New York Central Railroad.

Q Please keep your voice up. What type of work did you do with the New York Central Railroad?

A I was a laborer out there, too.

THE COURT: I can't hear him,
Counselor.

Q You were a laborer with the New York Central Railroad?

THE COURT: Counselor, I cannot
hear him.

Q Are you married, sir?

A Yes, sir.

Q Do you have a family?

A No, sir.

Q Is Mrs. Jefferson employed out of the household?

A Yes, she is.

Q What type of work does she do?

A She works at the snack bar at Fairview Hospital.

Q What does she do at Fairview Park Hospital?

A She works at the snack bar.

Q At the snack bar?

A Yes, sir.

Q How long has she worked at that hospital?

A I think it is about three months.

Q Before working there, did she work elsewhere?

A Gee, I don't know the name of the place.

Q What type of work did she do?

A I don't know. I really don't know. She was cleaning
up there or something. I don't know.

Q How long have you been married, Mr. Jefferson?

A About thirteen years.

Q Thirteen years?

A Yes.

Q Is your wife a native to the city of Cleveland?

A No, she is not.

Q Where is she from?

A She is from Montgomery, Alabama.

Q How old was she when she came here, approximately?

A About thirty years old, about thirty years of age.

Q About thirty years of age?

A Yes.

Q How long ago did she come here?

A Oh, about thirteen years now.

Q Back in 1954, Mr. Jefferson, you understand this is the case of the State of Ohio versus Sam H. Sheppard?

A Yes, sir.

Q Back in 1954, did you have any occasion to read anything about this case in the newspapers or in magazines?

A I had heard about it, but I don't remember reading anything about it at that time.

Q You are letting your voice trail off.

A I remember hearing about it, but I cannot recall whether I read anything or not.

Q Do you recall hearing anything on radio or seeing

anything on television?

A No, I don't. I can't remember.

Q How about since 1954, have you read anything in the papers about this case?

A No, I haven't.

Q Have you read anything recently?

A No, I haven't.

Q Do you get the daily papers in your home?

A No, sir, I don't.

Q Do you have occasion to read them at your place of employment or elsewhere?

A Yes, I do, but I very seldom read.

Q You are not a very avid newspaper reader, is that right?

A No.

Q No you are not, or no you are?

A No, I am not.

Q Did you have occasion to discuss this case with anyone?

A No, sir.

Q Do you remember anyone talking to you about it?

A No, sir.

Q At no time?

A At no time.

Q You never discussed it this case with your wife?

A No, sir.

Q Have you, Mr. Jefferson, ever been involved in a

criminal matter as a victim or a witness or as a juror, or in any manner?

A No, sir.

Q Any close member of your family ever been involved in any criminal case as a victim or a witness?

A No, sir.

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

A No, sir.

Q Do you know anybody on the defense side of the table, the defendant Sam Sheppard, his counsel, Mr. Bailey, or Mr. Sherman?

A No, sir.

Q Any members of your family or close acquaintances of yours that are members of a law enforcement agency, such as police officers or deputy sheriffs?

A No, sir.

Q Judge Talty instructed you when you came in with the rest of the jurors initially, that under the law a defendant is presumed to be innocent unless and until he is proven guilty beyond a reasonable doubt.

If you are selected as a juror in this case, will you presume this defendant to be innocent unless and until proven guilty beyond a reasonable doubt?

A Yes, sir.

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

There is direct evidence, that which somebody hears or perceives through his senses.

He will tell you that there is circumstantial evidence which is indirect evidence. It is evidence that we arrive at from certain facts that are proven, and the conclusions that normally follow from those circumstances we draw another inference or a fact.

Now, if he says and tells you that circumstantial evidence properly proven is just as good and just as binding as direct evidence, will you accept that instruction of law?

A Yes, sir.

Q Now, if a police officer or a governmental official, county official, testifies in this case, would you solely because of the fact that he is a police officer or a governmental official, would you give greater weight or greater believability to his testimony than somebody else's testimony?

A No, sir.

Q So that you would put the police officer and the governmental official on the same plane in determining how much truth they are telling, is that correct?

A That's right.

Q Now, would you employ your common everyday sense in

determining whether to believe a witness partially, or completely, or to disbelieve what he says?

A Yes, sir.

Q Mr. Jefferson, looking over the panel of people now seated in the jury box, do you know any of those people, yes or no?

A No, sir, no, sir.

Q You do not. If it came to your attention, sir, that one of the fellow members of the jury was also a member of the Postal Department, would that in any way affect your judgment in being fair and impartial in the determination of this case if you are selected as a juror?

A No, sir.

MR. CORRIGAN: Pass for cause,
your Honor.

MR. BAILEY: Your Honor, I
think before Mr. Corrigan passes for cause
he is entitled to know that Sam Sheppard,
worked at Fairview Hospital and may have had
contact with this man's wife.

MR. SPELLACY: He said Fairhill
Hospital.

MR. BAILEY: Was it Fairhill?

THE COURT: Counselor Corrigan,
do you wish to put another question predicated --

MR. CORRIGAN: No, your Honor.

I passed for cause.

THE COURT: Thank you.

Counselor Bailey, please proceed.

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VOIR DIRE EXAMINATION OF RUSSELL JEFFERSON

By Mr. Bailey:

Q Mr. Jefferson, you told us that back in 1954 you may have heard something about this case?

A Yes.

Q Do you occasionally watch television at night to get the news?

A I don't even remember whether I had a television then.

Q Did you hear your fellow employees talking at your place of work about the Sheppard case?

A Not that I can remember.

Q Do you ever recall hearing them express an opinion as to whether he was guilty or he was innocent or a good guy or a bad guy?

A I don't remember.

Q If any such opinions were expressed, is it fair to say that you don't even remember them, is that right?

A Beg your pardon?

Q I say, if any opinions were expressed to you or in

your presence, you don't any longer remember them?

A No, I don't.

Q Now, you have been aware for a couple of days that you might be examined as a possible juror in the trial of Doctor Sam Sheppard, have you not?

A That's right.

Q And I take it that the matter has been more or less in your mind, the possibility of being seated as a juror?

A That's right.

Q I take it, of course, in thinking about this matter you have attempted to determine whether or not you can be fair and impartial to Doctor Sheppard?

A I never even gave it a thought.

Q Well, giving it some thought right now, do you feel that despite what you may have heard from any source, that you can be fair and impartial to Doctor Sheppard?

A Surely.

Q You were instructed that the defendant in this case, as in every criminal case is presumed to be innocent at the outset, for instance, right now?

A That's right.

Q Do you have any difficulty in applying this rule of law to yourself in presuming him to be innocent right this moment?

A No, sir.

Q And nothing you have heard to the contrary in the past makes it hard for you to sit there at this moment and presume that Doctor Sheppard is innocent?

A No, sir.

Q Did you ever learn from any source, people talking, news media, what Doctor Sheppard's background is?

A The only thing, that he is a doctor, that's all.

Q Did you ever hear what kind of doctor he is?

A No, sir.

Q Do you know what an osteopath is, Mr. Jefferson?

A No, sir.

Q It may be that in the course of this trial, testimony will be given by medical experts for the State on the one hand, and for the defendant on the other hand.

It may be that a medical doctor will give an opinion, and maybe a doctor of osteopathy will give a contradictory opinion.

If the Court informs you that in the eyes of the law both kinds of doctors are equally qualified, and equally licensed, would you be able to view them equally in considering their credibility and the worth of their opinion?

A Yes, sir.

Q You have been told that the burden of proof is on the State of Ohio, and that the defendant need not produce any evidence, and that if he does not produce any evidence, no

inference or suggestion should come into your mind that he is silent because he has something to hide; this instruction will of course, be given to you again if you sit as a juror.

Do you have any difficulty in applying that instruction conscientiously in coming to a decision in this case?

A No, sir.

Q And you will be told that if it becomes necessary that the defendant in addition to having the right not to produce any evidence, and indeed no obligation to do so, has a further right under our Federal Constitution that he need not testify, and that if he does not testify his silence cannot be used against him; in other words, put together with the facts of the State his silence adds nothing, no inference.

Now, if this instruction were given to you, and Doctor Sheppard, the defendant here, did not testify, could you conscientiously apply that rule and draw no suggestion of guilt from the fact that he was silent?

A Yes.

Q If you are seated as a juror, Mr. Jefferson, and the case comes to you for deliberation after the close of the evidence, and the rules to be applied are given to you by the Court, and you should find after thorough discussion with all of your fellow jurors, that your judgment does not agree with theirs, even though they are in the majority, and you are in the minority with your view, would you so

long as this was your best and most honest judgment, adhere to your own view rather than swing to the majority just in order to reach a verdict?

A No, sir.

Q You would not?

A No, sir.

Q In other words, even though you might think that they were wrong in the conclusion that they had reached, in order to make the verdict unanimous you might go against your own judgment?

A No, sir.

Q You will be instructed that even though you are one of twelve deliberating this case, that you must come to an honest and conscientious and sincere independent judgment, that although you are encouraged to discuss, deliberate and to listen to the views of your fellow jurors, you must vote as you judge the facts to be.

Now, that will be the instruction. If that instruction is given and upon viewing the facts you come to a certain conclusion with which the other panel members don't agree, but you nonetheless feel in your heart that it is the right one, can you adhere to your own judgment and stand up for it?

A Yes, sir.

Q It would not embarrass you into swinging over, is that

right?

A (Witness nods.)

Q Okay. I think we may anticipate that testifying for the State of Ohio will be some police officers who are officials of the government, the city of Cleveland, the County of Cuyahoga, and indeed the State.

If you heard the testimony of a police officer on the one hand, contradicted by an ordinary citizen who had no official capacity on the other, would you be inclined to give more credibility, that is, to believe more quickly the police officer, just because he was a state official?

A No, sir.

Q You may hear testimony from the County Coroner, he may testify as to facts or he might give some opinions in the case, as a doctor, and that testimony might be contradicted by some other doctor who has no connection with the State, and no official capacity; would you be inclined to give more credibility or believability to the Coroner, simply because he was a state official?

A No, sir.

Q Now, you have worked for the United States Government for ten years?

A About twelve years now.

Q Twelve years. I take it then you started about the time of the last trial?

A Well, I was working on the mail truck then, but I mean I have been a letter carrier for about ten years.

Q You will be told that the fact that an indictment was brought against Doctor Sheppard is no indication that the government is right, that the government's side is the right side of the case, that the indictment is true.

Now, is there anything about your connection with or employment by the United States Government that would make it difficult for you to accept that you must view both sides evenly, and give no consideration to the fact that one party in this case is the State of Ohio?

A No, sir.

Q You also will be told that although the State, the people of Ohio on the one hand, are a party to this case, and the defendant Sam Sheppard on the other, you stand between them as the judge of the facts.

You are no longer a person of the State of Ohio and you are not a person associated with the defendant, but a judge between them.

Do you feel you can accept that role and accept that instruction from the Court, and stand between the State of Ohio and Doctor Sam Sheppard, giving favoritism to neither side?

A Yes, sir.

Q Mr. Corrigan discussed with you the possibility that

circumstantial evidence would be relied upon, and you have said to him that if the Court instructs you that circumstantial evidence can be properly presented, just as reliable as direct evidence, that you would accept that instruction and follow it?

A Yes.

Q Now, if the Court instructs you further, that where circumstantial evidence is used and relied upon, a special rule must be applied by you as a juror, that rule being as follows.

If the circumstances that are proven to you, that you are satisfied are true, point only to the defendant, that a combination they point only to the defendant's guilt, you may convict him.

But if they point in more than one direction, one of which is the defendant's guilt, one of which is the possibility it wasn't the defendant, another of which it might be somebody else is guilty; but if it does not point only at the defendant, you must find him not guilty.

If you receive that instruction as to circumstantial evidence, do you feel that you could follow it?

A Yes, sir.

Q Now, assume that the State of Ohio presents its evidence, and the State will go forward first, as is our custom, and this evidence is circumstantial, and the State

of Ohio presents it in order to sustain the charge in the indictment, that is, that Doctor Sheppard killed his wife, and then the defense presents circumstantial evidence to show that somebody else, a certain person other than the defendant killed his wife, would you be able to view the evidence of the defense as searchingly and as honestly as you would view the evidence from the prosecution?

A Yes, sir.

Q And if the Court tells you that in considering circumstantial evidence you must conscientiously and thoroughly to the best of your ability search out the truth, and consider all the possible combinations of facts and all of the meanings that they might have in your common experience, would you be able to do that, to follow that instruction?

A Yes, sir.

Q You may now recall or you may recall before the case closes, through the evidence that you hear, some facts about this case which will not have appeared in the trial of this lawsuit, information which won't be brought out by either side.

Now, if the Court instructs you that any information coming into you recollection that did not come through this witness chair, in the presence of the Court and the jury and counsel and the defendant, information that came from any other source, you must not consider, put out of your mind,

assume that it is not true, and never happened, and decide the case only on the evidence in this trial.

Will you be able to follow that instruction and put these other suggestions or facts right out of your mind?

A Yes, sir.

Q You perhaps are now aware or may become aware, you may later recall, that there was an earlier trial, and the trial resulted in a conviction that has been set aside.

The Court will probably instruct you that the fact that there was a trial, another jury heard some evidence, may be the same, may be different, and returned a conviction, and the conviction was set aside by a higher court as a nullity, it is meaningless and we are here today just as if it had never happened, and that inference whatsoever against Doctor Sheppard, no suggestion that this means he was guilty can be drawn by you, but that we are starting fresh today with a presumption of innocence, and the evidence that we have to bring to you as jurors, if you are told that by the Court can you effectively push out of your mind any reference to any prior proceedings?

A Yes, sir.

MR. BAILEY: Thank you. Pass
for cause.

THE COURT: Mr. Jefferson, will
you take chair number six, please, in the first row,

right next to Mr. Wycoff.

Ladies and gentlemen of the prospective panel, the Court indicated at the outset of these proceedings that we would try to take our afternoon recess at 2:45. It is shortly before 2:45.

Even though we started late this afternoon because of other proceedings in connection with this matter, we are going to take our afternoon recess at this time.

While you are away on your afternoon recess, ladies and gentlemen, you will bear in mind the instructions given you on each occasion.

You shall not discuss what little you know of this case amongst yourselves. You shall not permit anyone else to discuss it with you, nor shall you permit yourselves to overhear anything that relates to this case by any means of communication.

We will have our afternoon recess.

(Thereupon a recess was had.)

THE COURT: Counselor Bailey or Sherman, I believe the option is with the defense.

MR. BAILEY: May we approach the bench before it is exercised, your Honor?