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Monday Afternoon Session, 1:30 p.m., October 31, 1966

THE COURT: Good afternoon,
ladies and gentlemen.

Bring in the next prospective juror,
please.

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THEREUPON, JOHN SOPKOVICK, a member
of the prospective jury panel, having been
previously sworn, was examined and testified
on voir dire, as a possible alternate juror,
as follows:

THE COURT: Good afternoon,
sir. Is the correct pronunciation of your name
Sopkovick?

MR. SOPKOVICK: Sopkovick, yes.

THE COURT: You spell your
name S-u-p-k-o-v-i-c-h?

MR. SOPKOVICK: S-o-p-k-o-v-i-c-k.

THE COURT: S-o-p-k-o-v-i-c-k?

MR. SOPKOVICK: That's right.

THE COURT: Thank you, sir.

Mr. Sopkovick, you have been called as a
prospective member of this panel, and the
lawyers have the duty to put questions to you,

sir, touching upon your qualifications to serve as a member of this panel.

Now, when responding to these questions, sir, will you keep your voice up so that Mr. Romito can report what you say in response to these questions, and also you will bear in mind, Mr. Sopkovick, that you are under oath when you answer these questions; do you understand that, sir?

MR. SOPKOVICK: I do, sir.

THE COURT: You will have to keep your voice up so that each person in the room can hear you, including Mr. Romito, who must report into the record what your answers are.

Counselor Spellacy or Corrigan?

MR. SPELLACY: If it please the Court.

VOIR DIRE EXAMINATION OF JOHN SOPKOVICK

By Mr. Spellacy:

Q Will you tell us your full name, please?

A John Sopkovick.

Q Where do you live?

A 3156 Audobon Boulevard.

Q Is that in the city of Cleveland?

- A That's right, sir.
- Q How long have you lived at that address?
- A Thirteen years.
- Q Prior to living on Audobon, where did you live?
- A 12209 Soika Avenue.
- Q That is in the city of Cleveland?
- A That's right.
- Q Are you native to Cleveland, sir?
- A No, I am a native of Youngstown, Ohio.
- Q How long have you lived in the Cleveland area?
- A Eighteen years.
- Q Are you married, sir?
- A That's right, sir.
- Q Do you have a family?
- A No, just a wife.
- Q What is your wife's name?
- A Helen Genevieve.
- Q Are you employed, sir?
- A Yes.
- Q Where are you employed?
- A Republic Steel Corporation.
- Q And how long have you been employed by the Republic Steel Corporation?
- A Twenty-eight years.
- Q What do you do at Republic Steel?

A I am a roller on their 98-inch tanner mill.

Q Is your wife employed outside the home?

A No.

Q Has she been employed outside the home recently?

A No.

Q Sir, you realize that this is the case involving the State of Ohio versus Sam Sheppard, Judge Talty told you that this morning when you came in here in this courtroom, do you remember that?

A Yes.

Q I will ask you, did you read anything about this case at any time?

A Yes, at the first trial.

Q Now, was this in the Cleveland newspapers that you read something, Mr. Sopkovick?

A That's right.

Q If you can answer my question yes or no, as a result of what you had read, did you form an opinion with regard to this matter?

A I did.

Q Now, have you read anything recently with regard to this case, yes or no?

A Yes.

Q Do you still have an opinion today in this matter, yes or no?

A Yes.

Q Would this opinion prevent you from sitting as a fair and impartial juror to this defendant as well as to the people of Ohio?

A No.

Q You would be able, if I understand you correctly, Mr. Sopkovick, you could set outside your mind this opinion, and decide the case only on evidence presented here in this courtroom?

A I could, sir.

Q I will go back and ask you, do you still have that opinion that I think that you had -- or, do you have an opinion today yes or no?

A I have an opinion today, sir.

Q If Judge Talty were to tell you that you are to forget about that opinion, and to decide the case only on evidence presented here in this courtroom, could you do that, yes or no?

Do you understand my question?

A Will you state that over again, please?

Q If Judge Talty were to tell you to forget about your opinion, would you be able to set aside that and decide this case only on evidence presented here in this courtroom?

A I could, sir.

Q Was this opinion something you got as a result of

reading newspapers, yes or no?

A Yes.

Q Have you read anything other than newspapers with regard to this matter, yes or no?

A Yes.

Q Have you read any magazines?

A Yes.

Q Have you read books with regard to it?

A No.

Q Pardon me?

A No.

Q You do feel, though, if selected as a juror, that you could decide this case only evidence presented here in this courtroom, and forget about anything else that may have transpired before this, or even during this outside this courtroom? Do you understand?

A Yes.

Q You are to confine yourself only to evidence presented here in this courtroom, could you do that?

A I could, sir.

Q You could do this and be fair both to this defendant and to the people of Ohio?

A That's right, sir.

Q Have you ever been a juror before, Mr. Sopkovich?

A No, sir.

Q This is your first experience?

A Yes.

Q Do you know anyone connected with the County Prosecutor's Office, do you know John T. Corrigan, the County Prosecutor?

A No, I don't.

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

A I don't believe so.

Q Do you have any close friends or relatives who are members of the Cleveland Police Department, or any law-enforcement agency?

A No close relatives.

Q Any close friends?

A A former worker that is on the police force, yes.

Q What is his name, sir?

A I wouldn't know. Junior is the best I can tell you.

Q Junior?

A He worked with us years ago before he got on the police force.

Q Then you don't have a close friendship with this man, is that correct?

A That's right.

Q And, of course, you wouldn't discuss police work with him?

A That's right.

Q Do you know any members of the Sheppard family?

A The only one I recognize is Doctor Sheppard. That is through the newspapers. I do not know him personally.

Q Do you know Mr. Russell Sherman, one of the Counselors for the defense?

A No, I do not.

Q Do you know Mr. Lee Bailey?

A I do not.

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

A No, sir.

Q Do you know if any members of your family have ever been witnesses in any kind of a case?

A No, sir.

Q Do you know where Bay View Hospital is located?

A Yes, sir.

Q Have you ever been to Bay View Hospital?

A No, I have not, sir.

Q Do you know where it is by virtue of driving by it on Lake Road, is that correct?

A Yes, my brother-in-law's brother lives in Bay Village.

Q Where in Bay Village does he live?

A I couldn't tell you the exact address.

Q Well, approximately.

A Just before you get to Avon.

Q That would be on the westerly end of --

A On the westerly end, yes.

Q --Bay Village. What is his name?

A Elmer Schroeder.

Q Elmer Schroeder?

A Yes.

Q We are asking you these questions not to pry into your personal affairs, but as Judge Talty explained to you before, but to obtain a jury that will be fair both to this defendant as well as to the people of Ohio.

Certainly we don't mean to pry when we ask these questions.

You understand that Judge Talty instructed you this morning what your job would be if selected as a juror, that you would be the trier of the facts, you would have to listen to the witnesses who testify here, and bases upon their testimony and the testimony you hear in the courtroom, arrive at what you believe are the true facts in the case, and equally important you must take the law that Judge Talty gives to you, and apply that law to the facts as you find the facts to be.

Judge Talty explained all that to you this morning, do you recall that?

A Yes.

Q Under our system of justice a defendant is presumed

to be innocent until proven guilty, and the law places upon the State of Ohio the burden to prove him guilty beyond a reasonable doubt.

Will you listen to the instructions that Judge Talty gives to you as to the definition of reasonable doubt, and the presumption of innocence, and will you follow that instruction?

A Yes.

Q Going back to the opinion that you had, did you discuss this opinion with anyone, yes or no?

A Yes.

Q And did other people discuss their opinions with you insofar as this case is concerned, yes or no?

A Yes.

Q But you still feel that even having an opinion up until this time, that you could set this opinion outside your mind, and decide the case only on facts presented here in this courtroom, yes or no?

A Could you --

Q I am sorry, it is kind of a cumbersome question.

You could, if I understand you correctly, forget about the opinion that you have, and decide the case only on the facts presented here in this courtroom, is that true, yes or no?

A Yes.

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

If Judge Talty were to tell you that circumstantial evidence is just as good and just as binding as direct evidence, would you follow that instruction of law, as a matter of law?

A Yes.

Q Do you have any reservations about if Judge Talty were to tell you that circumstantial evidence, properly proven, is just as good and just as binding as direct evidence, do you have any reservations with regard to that principle of law?

A State that again real slowly.

Q All right. If Judge Talty were to tell you as a matter of law that circumstantial evidence, properly proven, is just as good and just as binding as direct evidence, would you follow that instruction?

A Yes, sir.

Q You don't have any reservations about following that instruction of law, do you, sir?

A If it is according to law, or as the law directs.

Q That is correct, you would then follow the instructions that Judge Talty gave to you?

A That's right, sir.

Q Now, it is also anticipated that police officers will testify here, and Judge Talty will tell you that just because they are police officers, and only because they are police officers, you are not to give them any greater weight or any lesser weight to the testimony they give, you are not to give it any greater weight or any lesser weight, will you follow that instruction of law, that you are not to believe a policeman more or less solely because he is a policeman, would you follow that instruction of law that you are to weigh that testimony just like any other witness?

A I would, sir.

Q The same is true of any other witness who testifies here, it is anticipated that representatives of the County Coroner's Office will testify.

Do you know Doctor Samuel Gerber?

A I have heard of him, sir.

Q Now, would the fact that Judge Talty will instruct you that just because members of the County Coroner's Office will testify, that you are not to give their testimony any greater weight or any lesser weight merely because they are public officials, would you follow that instruction of law?

A I would, sir.

MR. SPELLACY: Pass for cause, your

Honor.

THE COURT:

Counselor Sherman

or Bailey?

VOIR DIRE EXAMINATION OF JOHN SOPKOVICK

By Mr. Bailey:

Q Mr. Sopkovick, what newspapers did you read back in 1954, if you remember?

A The Cleveland Plain Dealer and the Cleveland Press.

Q Did you read the Press every day?

A We take it every day.

Q Ordinarily when you got the newspapers would you read it pretty carefully?

A Yes, sir.

Q To find out what was going on?

A Yes, sir.

Q Did you read a number of articles in the Cleveland Press about the Sam Sheppard case?

A Yes.

Q Do you remember reading several articles where the Cleveland Press took a position as to what ought to be done in the Sheppard case?

A I did, sir.

Q Do you remember them?

A Yes.

Q At the time you read them did you agree with what they

had to say?

MR. CORRIGAN: Objection.

THE COURT: Objection sustained.

A No, sir.

THE COURT: Mr. Sopkovick --
pardon me, Counselor -- Mr. Sopkovick, when
Counselor for either side raises an objection,
you will hear them indicate "Objection," if
you would be kind enough, sir, to wait for the
Court to make a ruling whether the objection
is to be granted or whether it is overruled,
then we will permit you either to answer the
question or not to, depending upon the ruling.

Do you understand that, sir?

MR. SOPKOVICK: I do.

THE COURT: So when you hear
an objection from either side, just wait for
the Court to then speak; will you do that, sir?

MR. SOPKOVICK: Yes.

THE COURT: Thank you, Mr.
Sopkovick.

Please proceed, Counselor Bailey.

Q Mr. Sopkovick, prior to the time of Doctor Sheppard's
arrest in 1954, did you have an opinion then about the case
whether or not he was guilty?

A No, I had no opinion at that time.

Q After his arrest, after he was taken to jail, did you then get an opinion as to whether or not he was guilty?

A No, I did not.

Q After he was indicted and brought to trial, did you then have some opinion?

A No, I did not.

Q After the trial was over and the jury brought in its verdict did you have an opinion then?

A I did, sir.

Q Prior to the time that the jury brought in its verdict were you conscious of any opinion or feeling one way or the other?

A Yes, sir.

Q In other words, you had an opinion but it wasn't as strong as it was after the jury came back with the verdict, is that fair?

A No, sir, that is not correct.

Q Did your opinion change when you heard about what the verdict was?

A No, sir.

Q Well, did you have some opinion prior to the verdict coming in?

A I did, sir.

Q And after the verdict came in did you have the same

opinion?

A Yes, sir.

Q Would you say that it was a stronger or more intense opinion after the verdict?

MR. SPELLACY: Objection.

A It was stronger, sir.

THE COURT: The answer may stand.

Q Now, did that opinion continue right up until you came into this courtroom today?

A Yes, sir, it continued.

Q If you don't hear anything more about the case, is that the opinion you would continue to hold?

A That's right, sir.

Q Have you read anything about this case in the past week or so?

A Yes, sir.

Q What papers have you read in the past week or so?

A The Cleveland Plain Dealer and the Cleveland Press.

Q Do you read them daily?

A Well, the Press daily, the Plain Dealer occasionally.

Q Do you read the Plain Dealer on Sunday?

A That's right.

Q And have you followed the accounts every day of the jury selection process in this trial?

A No, sir, I have lost interest in it.

Q You have lost interest in it?

A Yes, sir.

Q Have you read anything at all about Doctor Sheppard in the Press in the last two weeks?

A Well, as I say, merely glanced at the first paragraph.

Q Have you read anything in any magazines about Doctor Sheppard?

A Yes, sir.

Q Just give me the name of the magazine?

A Time Magazine.

Q Any other magazine?

A No, sir.

Q Now, did you read a couple of years ago, Mr. Sopkovick, that Doctor Sheppard was released by a Federal Judge?

A I did.

Q Do you remember learning that?

A Yes.

Q When you heard that did that do anything with respect to your opinion that you held from the time the trial was over, did it change your opinion?

A No, it did not.

Q And did you read last June that the United States Supreme Court had decided that the original trial of Doctor Sheppard was defective, and that it didn't count for anything,

do you remember reading that?

A I did, sir.

Q And when you read that, did that do anything to change the opinion that you had held ever since the first trial?

A No, sir.

Q Is it fair to say that your opinion continues even today, unless you are given some reason to change it?

A I would still have the same opinion.

Q And you have it right now?

A That's right, yes.

Q It isn't the kind of thing that you just wipe out of your mind, is it?

A No.

Q Is it?

A No, it is not.

Q Would you say it is a pretty well set opinion?

A That's right, sir.

Q And it is twelve years old?

A That's right.

Q And it hasn't varied during that twelve years?

A No, sir.

Q Having in mind that the opinion you hold about this case, do you have any difficulty in looking at the defendant Sam Sheppard and presuming that he is innocent?

THE COURT:

Answer that question

yes or no, please.

A Will you please state that again?

Q Yes. I say, having in mind the opinion that you have carried for twelve years now, do you have some difficulty in looking at Doctor Sheppard sitting here in the defendant's chair, and presuming that he is innocent?

A I have no doubt.

Q You what?

A I have no doubt. My opinion is the same as it was twelve years ago.

Q Well, did you understand my question?

A Will you please repeat that again?

Q Certainly, I will. I ask you, sir, whether or not having in mind that you have carried with you an opinion on this case for twelve years, and even have it with you today in your mind, whether you have some difficulty in your own mind in looking at this defendant Doctor Sam Sheppard and presuming that he is innocent? Do you find that a difficult thing to do?

A No, sir.

Q You do not?

A No, sir.

Q Have you lost your opinion?

MR. SPELLACY: Objection.

A No.

Q Well, a moment ago I think you said that you have no doubt in response to my question, when I asked you if you could presume him innocent, you said, "I have no doubt."

MR. SPELLACY: Objection.

THE COURT: Objection sustained,
Counselor.

MR. BAILEY: Challenge for cause,
your Honor.

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

THE COURT: Mr. Sopkovick, the
Court wishes to thank you for your willingness
to cooperate and to serve as a juror in this
cause, if selected.

Let the record show that the Court is
going to grant the joint challenge to Mr. Sopkovick's
serving as a juror in this case.

Mr. Sopkovick, before you are excused
from the courtroom, the Court must instruct you
that you shall not discuss the opinion which you
have in this case with anyone, not even with your
wife, or your friends.

You have been summoned as a prospective
juror in this cause, and you carry with that
certain responsibilities and obligations which

the Court has now instructing you, you understand, do you not, sir?

MR. SOPKOVICK: Yes.

THE COURT: You are not to talk about your opinions with anyone, including your wife, your fellow workers, or anyone else.

You are not to permit them, sir, to talk to you about their opinions about the merits of this case.

You are bound by these instructions and you are bound by this responsibility, sir, until such time and the first time that you will be able to discuss your opinions again with anyone or permit anyone else to discuss their opinions with you, is only after you know for a certainty you are certain that a jury in this room has returned its verdict in this case.

Do you follow those instructions, sir?

MR. SOPKOVICK: Yes, sir.

THE COURT: And will you follow them?

MR. SOPKOVICK: I will.

THE COURT: Thank you, sir, and you are now excused.