

THE BAILIFF: Mrs. Blauman, kindly take the witness box and be seated, if you will, please.

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THEREUPON, WANDA G. BLAUMAN, a member of the prospective jury panel, having been previously sworn, was examined and testified on voir dire, as follows:

THE COURT: Good morning, Mrs. Blauman.

MRS. BLAUMAN: Good morning.

THE COURT: Mrs. Blauman, are you a bit nervous?

MRS. BLAUMAN: A little bit.

THE COURT: Well, you just relax, please, and if you want to, you can place your purse alongside your chair there, and make yourself comfortable, and keep your voice at a point, if you will, please, Mrs. Blauman, so that Mr. Romito who sits before you can hear you, and that Counselors and each person at Counselor's table can hear you, and that each person in the room can hear you; will you do that?

MRS. BLAUMAN: Yes, sir.

THE COURT: You are going to have to do much better than the last response.

MRS. BLAUMAN: I will try.

THE COURT: And remember when you are making your answers to the questions that the lawyers may put to you, that you are under oath, Mrs. Blauman.

MRS. BLAUMAN: Yes, sir.

THE COURT: And keep your voice up, will you do that, please?

MRS. BLAUMAN: Yes, sir.

THE COURT: Thank you. Counselor Corrigan or Spellacy?

VOIR DIRE EXAMINATION OF WANDA G. BLAUMAN

By Mr. Corrigan:

Q Mrs. Blauman, good and loud now, will you tell us your full name?

A Wanda Blauman.

Q Spell your last name.

A B-l-a-u-m-a-n.

Q Where do you live, Mrs. Blauman?

A 7116 Ivy Avenue.

Q How long have you lived at that address?

A Nine years.

Q Where did you live prior to living on Ivy?

A 7130 Canton Avenue.

Q Is that in Cleveland?

A Yes.

Q What part of Cleveland?

A That is off of 64th and Harvard.

Q I see. Generally the southeast side?

A That's right.

Q What type of employment is Mr. Blauman engaged in?

A He is a landscaper.

Q Working for himself or for someone else?

A No, he is working for Tom Elek Landscaping Company.

Q How long has he been so employed?

A I would say about four months.

Q Prior to that, where did he work?

A Sohio Refinery Company.

Q What was his type of employment with the Sohio Company?

A He worked on the dock for forty-three years. He is retired.

Q I see. He worked for forty-seven years, you said?

A Forty-three years.

Q With the Sohio people?

A Yes.

Q Do you work outside the household, Mrs. Blauman?

A Yes, I work for the Board of Education.

Q What was your job with the Board of Education?

A I clean the schools, Woodhill School, 93rd and Union.

Q That is with the Cleveland Public School System?

A That's right.

Q How long have you been employed there?

A Four years.

Q Prior to being employed by the Cleveland Board of Education, did you have outside employment?

A No.

Q Do you have a family, Mrs. Blauman?

A Yes, I have.

Q Will you tell us how many children, their ages and their names?

A I have two married daughters, Mrs. Roger Opal, Mrs. Frank Limus; and then I have a fourteen-year old son, Lawrence Kasmerik.

Q I see. Now, your oldest daughter, where does she live?

A In Parma.

Q What does her husband do?

A He works for a baking company. He is a truck driver for a baking company.

Q And the second oldest daughter?

A He works at Warner and Swasey, punch press operator, I believe.

Q Where did you live in 1954, Mrs. Blauman?

A Oh, at 7130 Canton.

Q Do you understand that this is the case of the State of Ohio against Sam H. Sheppard?

A Yes, sir.

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

A Yes, I had.

Q Did you hear anything on the radio about this case?

A Yes, sir.

Q Did you see anything on television?

A Yes.

Q Did you read anything in any magazines?

A Yes.

Q Did you read any books about this case?

A No.

Q Did you discuss this case with others?

A No, it never concerned me too much.

Q Did others discuss it with you?

A Well, I never let it bother me too much, no.

Q How about Mr. Blauman, did you and he ever talk about this case?

A No.

Q Or with your daughters, did you ever talk about it?

A No, we never discussed it.

Q When you read of it in the papers, did you read the articles closely?

A Not too closely. It never concerned me too much.

Q Did you read them every day?

A Once in a while I would glance at them but it never concerned me that much. I never gave it too much thought.

Q Yes or no, from the articles you ascertained what you thought to be certain facts about this case, is that correct?

A Yes.

Q And as a result of ascertaining what you thought to be facts about this case, and reading articles about this case, did you yourself arrive at some opinion?

A No. I never thought I would be on a jury to come to a conclusion --

Q Do not give me an answer until I ask you a question first.

A I am sorry.

Q Anybody in your family connected with any law-enforcement agency, Mrs. Blauman?

A No.

Q No policemen?

A No.

Q Or members of the Sheriff's Department?

A No.

Q Do you know anybody in the Prosecuting Attorney's

Office?

A No.

Q Do you know the defense counsel here, Mr. Bailey or Mr. Sherman?

A No.

Q Or the defendant Sam Sheppard?

A No, never seen them.

Q Do you know Judge Talty?

A The first time I have seen him.

Q Looking at the panel of people that are in the jury box now, do you know any of those people, Mrs. Blauman?

A No, I don't.

Q Have you or Mr. Blauman or your daughters or any members of your family ever been involved in any criminal matter as a witness?

A Never, no.

Q Or as a victim?

A No.

Q You had no prior jury service, I take it?

A No.

Q Do you know where Bay View Hospital is in Bay Village?

A Yes.

Q How do you know where Bay View Hospital is?

A Well, we go swimming a lot of times, and we pass the hospital.

Q Is the swimming area in the vicinity of the hospital?

A It is past the hospital.

Q What is the name --

A Huntington Beach.

Q You are familiar with the Huntington Beach area?

A Yes.

Q When you have gone by that hospital, have you had occasion to comment on the hospital?

A Well, it is a nice building, we just passed it, we never --

Q Did you have any comment about the hospital in connection with this case?

A No.

Q Being familiar with Huntington Beach, did you at any time become familiar with the residence of Doctor and Marilyn Sheppard on Lake Road?

A No.

Q Do you know anybody associated with the Bay View Hospital?

A No, I don't know.

Q Judge Talty, I anticipate, will instruct you as he did when you first came in with the other prospective jurors, that in a criminal case the defendant is presumed to be innocent, unless and until the State of Ohio proves a case against him beyond a reasonable doubt; do you understand

that?

A Yes.

Q Will you accept that instruction of law from Judge Talty and presume this defendant to be innocent at this point?

A I believe so.

Q Will you continue that presumption of innocence unless and until the State proves beyond a reasonable doubt otherwise?

A Yes, sir.

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

He will tell you that there is direct evidence, that which we perceive by our senses, we touch, we feel, we hear, we smell, or we see; and he will tell you that there is circumstantial evidence which is another kind.

If he tells you that circumstantial evidence properly proven is just as good as direct evidence, will you accept that instruction of law?

A Yes.

Q Do you have any reservation or hesitancy in accepting that instruction of law?

A Yes.

Q Let me explain further, Mrs. Blauman, that if this morning at nine o'clock when you came in the sun was out,

the streets, the trees and the buildings and the lawn, the grass, was all dry, and then at noontime you went out, and at that time the street was wet, the buildings were wet, the trees were wet, the grass was wet, but you did not have an opportunity to go out between nine o'clock in the morning and noon, and when you went out at noon, assume further that the sun was shining.

Now, from the fact that the street was wet, the trees were wet, the buildings were wet, and that it had been dry in the morning when you came in, it would reasonably follow that it had rained sometime between nine o'clock and twelve o'clock; is that correct?

A Yes.

Q Now, that fact of it raining would be circumstantial evidence, you would arrive at that fact which follows reasonably from the series of other facts?

A That's right.

Q Now, you did not see it raining, but you arrived at that from these other facts.

That is circumstantial evidence, and that is what we mean by circumstantial evidence.

If Judge Talty instructs you that you may from the facts draw inferences that reasonably follow therefrom and do not point in another direction, then you shall accept that evidence and weigh it like you weigh direct evidence?

A That's right.

Q On the contrary, he will tell you if it points in some other direction, then you shall disregard that evidence as against this defendant.

For example, the same set of facts that I gave you, if when you go out you see that only the street is wet, and not the buildings and not the trees and not the lawn, then it may have rained but it may also be that somebody hosed down the street with a fire hose?

A That's right.

Q Or that a truck went down the street and cleaned the street; so that there would be several reasonable inferences that you could draw from those facts, and if that were the case, then you could not use that evidence --

A I agree.

Q --against the defendant. If Judge Talty instructs you that circumstantial evidence, properly proven, that is, so that it points only in that one direction, is just as good as direct evidence, will you accept that instruction?

A Yes, sir.

Q Now, in a criminal case the Court will instruct you as to the elements of a crime, and one of the instructions that he will give you is an instruction with regard to the element of intent, and if Judge Talty tells you that you shall -- that you can't open somebody's mind to see what he

intends, but if he tells you that one intends the natural and probable consequences of his voluntary acts, will you accept that instruction?

A Yes.

Q For example, if I at twelve o'clock noon stand up on Euclid Avenue, and if I load a gun with bullets, and if I point that gun down Euclid Avenue on the sidewalk, and there are a lot of people on the sidewalk, and even if I close my eyes and I pointed at these people and I pulled the trigger five or six times, the natural and probable consequences of those voluntary acts is that a bullet is going to hit someone, so I intend that.

So that if Judge Talty gives you that instruction with regard to the element of intent, will you accept that instruction?

A Yes.

MR. CORRIGAN:

Pass for cause,

your Honor.

THE COURT:

Counselor Bailey

or Sherman?

VOIR DIRE EXAMINATION OF WANDA G. BLAUMAN

By Mr. Bailey:

Q Mrs. Blauman, did you regularly receive any of the Cleveland newspapers at your home in 1954?

A Yes, I did.

Q To what newspapers did you subscribe?

A The Press.

Q You read the Cleveland Press?

A Yes, sir.

Q You read the headlines?

A Yes.

Q You read those most every day?

A More or less.

Q You usually scan the front page of the news?

A Yes.

Q Can you recall whether or not you read some stories about Sam Sheppard in this case?

A No.

Q You never read a story?

A No.

Q Were you reading any stories in the Cleveland Press in the summer of 1954?

A Not that I recall, no.

Q In other words, you say that you only looked at the headlines and scanned the front page?

A Yes, and I heard it on the radio and all.

Q Now, when the subject was mentioned on the radio, did you listen to it?

A Well, at the time, yes.

Q And through that means, did you learn some of the facts of the case?

A More or less, yes.

Q You heard certain things about Doctor Sheppard?

A Yes.

Q Did you hear anything about his activities other than as a doctor?

A Yes.

MR. BAILEY: May we approach the bench?

THE COURT: Yes.

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

MR. BAILEY: I desire to ask this witness what she heard, but I won't do it unless --

MR. CORRIGAN: I will object.

MR. BAILEY: I understand you will.

THE COURT: Objection is sustained.

MR. BAILEY: Under the circumstances, I move that the jury be withdrawn so that we can explore the information she has.

I am suspicious that it may be regarding taking a lie detector test.

THE COURT: Your motion is overruled.

(Thereupon proceedings were resumed within the hearing of the jury panel, as follows:)

By Mr. Bailey:

Q Now, you still recall, do you not, what it was that you learned about the defendant back at that time?

A Yes.

Q Can you tell us whether or not that in any way influences you in your present disposition toward him?

A No.

Q Do you remember reading about the things that the authorities were doing, investigating this case?

A Yes, sir.

Q Did you read from time to time what comments the authorities were making?

A Yes.

Q Do you recall some editorials where the Cleveland Press itself took a certain position as to what ought to be done?

A Yes.

Q Now, how long had you been taking the Press prior to 1954?

A Oh, about fifteen years.

Q Fifteen years?

A Yes.

Q And have you generally found it to be reliable, or did you consider it a reliable source of information?

MR. CORRIGAN: Objection.

THE COURT: Sustained.

Q Did you believe what you read in the Press about this case?

MR. CORRIGAN: Objection.

THE COURT: Sustained.

Q Did you agree with the positions that were taken by the Press in connection with this case?

MR. CORRIGAN: Objection.

THE COURT: Sustained.

Q As a result of all that you learned from the Cleveland Press, forgetting the radio for a moment, did you feel one way or the other about the Sheppard case and about Sam Sheppard in particular?

A I never gave it too much thought.

Q You never gave it too much talk?

A No.

Q Would you say you were influenced to any degree by what you read?

A To some degree, yes.

Q To some degree?

A Yes.

Q Now, has anything happened since that time to change that influence, just yes or no?

A No.

Q So whatever way you felt back then as a result of what you read in the Cleveland Press, you more or less feel about the same way now?

A Yes.

Q Does that feeling in any way make it difficult for you to look at this defendant, Doctor Sheppard, and actually presume him to be innocent?

A Do I have to answer that?

Q Yes. Does it make it difficult, just yes or no?

A No.

Q It does not?

A No.

Q You feel that you are able to give this defendant as of this moment a presumption that he is innocent of the crime charged against him?

A Yes.

Q Do you feel that you will have any difficulty maintaining that state of mind until it is proven otherwise to your satisfaction?

A Yes.

Q You think that you will have difficulty?

A I think so.

Q You think that you will?

A Yes.

Q Do you think you may have some difficulty, Mrs. Blauman, in keeping straight the things that you recall from twelve years ago, and the things that come into the evidence?

A Yes.

Q I take it you have in mind right at the present time some of the facts of the case which you recollect?

A Yes.

Q Things that the defendant was supposed to have done?

A Yes.

Q And things that the police said they thought he did, and so forth?

MR. SPELLACY: Objection.

THE COURT: Overruled.

Q Now, you don't recall what your answer was, but I think Mr. Corrigan asked you whether or not you ever heard anyone express an opinion, and did you say yes?

A Yes.

Q How many times was that, how many people, about a half a dozen would you say?

A Yes.

Q Now, in all of these occasions when you can recall

that opinions were expressed to you, do you recall whether or not the person expressing the opinion asked you whether you agreed or disagreed?

A Yes.

Q And did you from time to time say, "Yes, I agree with them"?

MR. CORRIGAN: Objection.

THE COURT: Sustained.

Q Did you at any time comment on the opinion that you heard?

A No.

Q When these questions were put to you, did you just remain silent and not answer them?

A That's right.

Q In other words, if someone says, "What do you think about it, Mrs. Blauman?" you made no response at all?

A That's right.

Q Were you as silent when they put the question again?

A Yes.

Q What did you do the second time?

A Never answered them.

Q Did they put it a third time?

A Yes.

Q And a fourth time? How many times did they put it before they stopped asking you this question?

A Well --

Q Do you remember?

A It could be about four or five times, but I always said I wasn't on the case to discuss it.

Q Oh, did you answer it?

A Yes, but I told them, I didn't have any opinion yes or no whether he was guilty, because I wasn't on the case.

Q You say that your husband did not express an opinion that you can recall?

A No.

Q Did any of the people who did express opinions, were any of those people, people whose judgments you would have respect for?

A Yes.

Q People whose opinions and recommendations ordinarily would value?

A Yes.

Q And I take it, you can still recall after twelve years what those opinions were?

A Yes.

Q Now, Mrs. Blauman, based on the information that you can remember, that you learned from any source, friends, newspapers, if no evidence were presented to you in this proceeding, would you have trouble coming to an opinion whether or not the defendant was guilty?

MR. CORRIGAN: Objection.

THE COURT: Sustained as to
form, Counselor.

Q The Court is going to tell you if it becomes appropriate under the circumstances, Mrs. Blauman, that the only side in this case of the State of Ohio versus Sam Sheppard that has any obligation or burden to bring any evidence to your attention is the State, and that the defendant -- as a matter of fact, the entire defense, has no obligation whatsoever to produce for you one scintilla of evidence, and that the failure or refusal of the defense to produce any evidence is not to be held against Doctor Sheppard to any degree.

Now, if you are given an instruction of that sort by the Court, do you think you can accept it?

A Yes, sir.

Q And would you be able to consider the whole case without being suspicious of the silence of the defendant?

A Yes.

Q Now, suppose further, Mrs. Blauman, that the defendant Doctor Sheppard after you heard evidence that his wife was killed, in his own house, and that he was there that night, remained silent and does not testify, and that after that happens⁹ the Court instructs you that his silence is not to be used by you or any other juror to infer that he has

something to hide; do you think that you could accept that and abide by that instruction?

A Yes, sir.

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Q And actually refuse in your own mind to consider that he had a reason for remaining silent?

A Yes.

Q Then you would have no difficulty in affording him a constitutional right not to testify, if he chose?

A Yes.

Q You will recall a few moments ago Mr. Corrigan in explaining circumstantial evidence to you, described a hypothetical situation when you came into the building the streets were dry, and when you went out they were all wet, and the possible inference that it had rained.

Now, assuming that this case involves circumstantial evidence, rather than direct evidence such as eye witnesses who say, "I saw what happened," you will be told by the Court that there is a special rule that applies in cases of circumstantial evidence, and that is if after you look at the facts that you know, such as in our example the fact that the streets were dry when you came in and wet when you went out, if you look at those facts and there is only one explanation that will fit those facts, and that explanation is that the defendant fit it, then you may find him guilty.

But if there is more than one explanation, reasonable

satisfaction in your own mind, more than one, whether it points to him and some other direction, or whether it points only in another direction, that you would have to find the defendant not guilty, could you abide by that instruction and apply it to your consideration of this case?

MR. SPELLACY: Objection.

THE COURT: Objection sustained.

May I see Counselors, please?

MR. BAILEY: Yes.

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

THE COURT: Let the record show that the reason the Court sustained the objection to the form of the question is that there was not included as a factor in this question that the finding of guilty was predicated upon circumstantial evidence alone.

If your question is, Counselor, that the finding was predicated on circumstantial evidence alone, then, yes. But if there is direct evidence that also points in this area, then your question is improper in form.

MR. BAILEY: Well, isn't it fair, your Honor, to say that wherever the jury

uses circumstantial evidence, even if they have some direct evidence, that the rule nonetheless applies as to the implication of that evidence?

THE COURT: Yes, as to that evidence alone. But if they find circumstantial evidence points to either, then they must disregard the circumstantial evidence.

MR. BAILEY: Exactly.

THE COURT: But not necessarily come to a finding --

MR. BAILEY: I see.

THE COURT: --to a finding of not guilty, understand?

MR. BAILEY: Yes.

THE COURT: We agree?

MR. BAILEY: Yes.

THE COURT: Will you phrase your question accordingly?

MR. BAILEY: Yes.

(Thereupon proceedings were resumed within the hearing of the jury panel, as follows:)

By Mr. Bailey:

Q Mrs. Blauman, if the Court instructs you with respect to circumstantial evidence, which may come into this case, and only with respect to that kind of evidence, that if the

circumstances that you believe to be true point in more than one direction, or point in one direction but not at the defendant, that you must disregard this evidence, would you follow that instruction if the Court gave it to you?

A Yes.

Q Would you have any hesitancy about finding the facts based on circumstantial evidence?

A Yes.

Q You would?

A Yes.

Q You feel -- do you think it is less trustworthy, generally, to direct evidence by people who saw something occur?

A Yes.

Q And have you felt this way right along?

A Yes.

Q Mrs. Blauman, before I think you said in response to one of my questions, that you might have some difficulty keeping separate in your own mind the evidence that you would hear in this trial, and the facts that you remember from some other source, was that your position?

A Yes.

Q In other words, I take it it might become a problem of memory?

A Yes.

Q Remembering where all these things came from, and remembering what not to remember?

A Yes.

MR. BAILEY: Your Honor, defense will challenge for cause.

MR. CORRIGAN: The State will join in the challenge, your Honor.

THE COURT: Mrs. Blauman, the Court and each of us who is participating in this trial wish to express our gratitude to you for your willingness to serve as a juror in this case, if selected.

But the Court is going to grant the motion, the joint motion here of both parties to have you excused as a prospective juror in this case.

While you are still here, the Court is obliged to instruct you, Mrs. Blauman, although you have indicated that you do not have or have not reached an opinion in this case, the Court instructs you now that you shall not discuss this case, or what little you know of it, with anyone, including your husband.

You shall not permit anyone else to discuss it with you, and you shall make no

observations about this case to anyone until such time as you learn for a certainty that a jury in this case has come into this courtroom and returned its verdict.

Do you understand that?

MRS. BLAUMAN: Yes.

THE COURT: Will you follow those instructions?

MRS. BLAUMAN: Yes, I will.

THE COURT: If there is any doubt in your mind about these instructions, and before you make a comment to anyone with respect to them, please get in touch with me, will you?

MRS. BLAUMAN: Yes.

THE COURT: Thank you. You are excused.

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