

Thursday Afternoon Session, 1:30 p.m., October 27, 1966

THE COURT: Good afternoon,
ladies and gentlemen. Ladies and gentlemen,
you will bear in mind, those of you who are
about to leave the room as prospective members
of this panel, you will bear in mind these
instructions given you on each occasion when
you leave this room. Do not discuss this case
or what little you know of it amongst yourselves.
Do not permit anyone else to discuss it with you,
nor shall you permit yourselves to overhear any-
thing that relates to this cause by any means
or media of communication.

Mr. Patrick, will you escort the members
of the panel.

(Thereupon the members of the prospective jury
panel, except those previously seated, were
escorted from the courtroom.)

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THE BAILIFF: Mr. Lindblom, will
you please take the witness chair.

THEREUPON, CARL D. LINDBLOM, JR., 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. Lindblom. You are Mr. Lindblom?

MR. LINDBLOM: Yes, sir.

THE COURT: How do you spell that?

MR. LINDBLOM: L-i-n-d-b-l-o-m.

THE COURT: Your first name is Carl?

MR. LINDBLOM: Carl.

THE COURT: Mr. Lindblom, the lawyers are going to put questions to you in connection with your duty here as a prospective juror in this cause.

Will you keep your voice up, sir, so that your answers can be reported by Mr. Romito, who sits in front of you, and keep your voice at a point so that each person in this room can hear you; understand that?

MR. LINDBLOM: Yes, sir.

THE COURT: And are you a little bit nervous?

MR. LINDBLOM: Yes, sir.

THE COURT: You sit back in your chair and relax and listen to the questions, sir, as they are put to you, and answer them accurately and forthrightly, and you have been sworn, remember you are under oath.

MR. LINDBLOM: Yes, sir.

THE COURT: Thank you, Mr. Lindblom.

Counselor Corrigan or Spellacy?

VOIR DIRE EXAMINATION OF CARL D. LINDBLOM, JR.

By Mr. Corrigan:

Q Sir, good and loud, will you tell us what your full name is?

A My name is Carl Dewey Lindblom, Junior.

Q How do you spell your last name?

A L-i-n-d-b-l-o-m.

Q Where do you live, sir?

A I live at 6080 Stanbury Road, in Parma.

Q How long have you lived at that address?

A I lived at that address since 1958.

Q With whom do you live at that address?

A I live with my parents.

Q Do you have any brothers or sisters?

A No, sir.

Q What is your occupation, sir?

A I am an Internal Revenue Agent.

Q How long have you been so employed?

A Since 1961.

Q Specifically what are your duties with the Internal Revenue?

A My duties are to examine income tax returns, to determine whether a tax liability is correct.

Q Will you keep your voice up so that the folks in the back of the room can hear you, and if they can hear you, then we will all be able to hear you.

How long have you been so employed?

A I have been employed there since 1961, with the exception of two years when I was in the Army.

Q You have been in the Army since 1961?

A Yes, sir.

Q Prior to 1961, where were you employed?

A I had no full-time employment before that time.

Q I take it you were attending school?

A That's right.

Q In the Parma School District, did you attend school?

A No, I lived in Detroit.

Q In your high school and grade school days, you lived in Detroit?

A Yes, sir.

Q When did you move to the Greater Cleveland area?

A I moved to the Greater Cleveland area in 1958.

Q How old are you?

A I am now twenty-seven.

Q You were living in Detroit in 1954?

A Yes, sir.

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

A No, I don't.

Q Are there any members of your family who are members of law-enforcement agencies, such as a member of the Police Department or the Sheriff's Department?

A No.

Q Have you with Internal Revenue personally ever been in an enforcement position?

A No, I am a Revenue Agent and I don't have any enforcement.

Q As a Revenue Agent, do you conduct field investigations?

A Yes, I am a Field Agent.

Q Predicated on those field investigations, are there some times prosecutions made?

A Sometimes there could be prosecutions arising from these investigations.

Q Would the fact that you have been involved in an

investigative capacity with the Federal Government, cause you to give greater credibility or believability to a police officer or a governmental official, solely because he was a police officer or a governmental official?

A No.

Q Would the fact that you have been employed in an investigative capacity with the government, if you are selected as a member of this jury, would that cause you to be anything but fair and impartial to this defendant?

A No.

Q If Judge Talty were to instruct that every defendant in every criminal action is presumed to be innocent unless and until proven guilty beyond a reasonable doubt, would you accept that instruction of law?

A Yes, I would.

Q Would you afford that presumption of innocence to this defendant?

A I would.

Q Aside from your employment, have you, sir, ever been involved in a criminal matter as a witness, victim, or in any other manner?

A No, I haven't.

Q Have you ever served as a juror?

A No.

Q In your governmental capacity, have you ever served

as a witness?

A No, I have not.

Q Going back to 1954, did you have occasion to read in the newspapers or in magazines or hear on the radio or television anything connected with this case?

A I may have at some time.

Q Would you recall where you may have read or heard of this?

A No, just various places.

Q Since 1954, would you have occasion to hear or read something about this case?

A Yes.

Q Did you have occasion to express an opinion as to the merits of this case?

A No.

Q Did you ever have occasion to have someone else express their opinion to you?

A People have expressed their opinions, yes.

Q Yes or no?

A Yes.

Q And have you discussed this with your mother or father?

A Yes.

Q In that discussion, did they render an opinion?

A No.

Q Did you render an opinion to them?

A No.

Q The opinions that were rendered to you, were they in any manner persuasive one way or the other?

A No, sir.

Q Now, from these opinions and from what you read, you have some knowledge about this case, is that right?

A That is correct.

Q If you are selected as a juror, and the Court instructs you that it would be your duty to put out of your mind completely, any information that you have from any outside source, and predicate your judgment and your verdict on the evidence that is produced in this courtroom alone, would you be able to follow that instruction?

A Yes, sir, I believe I could.

THE COURT: I didn't hear the last part, Counselor, I didn't hear the last part of his response?

A Yes, I believe I could.

THE COURT: Thank you.

Q You indicate, sir, that you believe that you could. I think that we are entitled to a stronger answer than that, either you could or you could not.

A Yes, I could.

Q Is there any reservation in your mind?

A No, sir.

Q Looking at the other people that are in the jury box now, do you know any of these people?

A No, I do not.

Q What type of work is your father engaged in?

A My father is now retired.

Q Prior to his retirement, what type of work did he do?

A He worked for Beatrice Foods Company.

Q Keep your voice up.

A He worked for Beatrice Foods.

Q In what capacity?

A He was an office worker.

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

A I do not know where it is in Bay Village, no.

Q Do you have a family physician?

A No, sir.

Q Do you know the difference between an M.D. and an osteopath?

A Generally, I do.

Q If Judge Talty were to instruct that as a matter of law, they are to be regarded on the same plane, would you accept that instruction?

A Yes, I would.

Q Now, assuming that you are selected as a member of

this jury, and the time arrives when the jury would be deliberating, would you be able to join with your fellow jurors in a full and complete discussion of all of the facts as you determine them to be from the evidence that is produced in this courtroom?

A Yes, I could.

Q Would you be willing and able to do that with the view in mind of arriving at a fair and a just verdict, fair and just to both the State of Ohio and to the defendant?

A Yes.

Q Is there any reason, sir, as you sit here, that you can think of that would cause you to be anything but fair, unbiased, to both the State of Ohio and the defendant?

A No.

MR. CORRIGAN: Pass for cause,
your Honor.

THE COURT: Counselor Bailey
or Sherman?

VOIR DIRE EXAMINATION OF CARL D. LINDBLOM, JR.

By Mr. Bailey:

Q Mr. Lindblom, do you know anyone in the office of the United States Attorney in Cleveland?

A No, I do not.

Q Have you ever been connected with a criminal prosecution arising from your Revenue Agency?

A No, I have not.

Q Have you ever been involved in an investigation with other agents that wound up in prosecution, do you know?

A No, I have not.

Q Have you ever been called upon to testify in any case?

A No, I have not.

Q Or in any hearing?

A No.

Q Are you conscious of any feeling or belief on your part that the fact that someone is prosecuted is some evidence that he has done wrong?

A No.

Q You heard Judge Talty instruct you with the rest of your prospective jurors, that the defendant is to be presumed innocent as a matter of law in this case?

A Yes.

Q Do you have any difficulty whatsoever in accepting that notion?

A No, I don't.

Q I take it you are able to regard the defendant Sam Sheppard as of the moment before any evidence is produced by anybody, as innocent as he sits here, is that correct?

A He would be innocent until proven guilty.

Q As of the moment, of course, you have heard no evidence against him.

You will be instructed, forcibly, as a matter of law, that any information you have ever obtained from any source whatsoever outside of this courtroom is to be disregarded by you as meaningless, would you say that you could do that?

A Yes.

Q Are there any particular facts, without telling me what they are, but just answer yes or no, are there any particular facts about this case or about the defendant that stick in your mind from what you have read and heard?

A No particular acts.

Q What newspapers were you reading, if any, in 1954, do you recall?

A The Detroit News.

Q Was that brought daily to your home by subscription?

A Yes, it was.

Q And you were 15, then?

A Yes.

Q Did you read the paper as a fifteen year old boy?

A Not very much.

Q Occasionally you glanced at the headlines?

A Mostly the sports, occasionally the headlines.

Q Are you able to recall whether or not in 1954, you were aware of the Sheppard case and its prominence in the news?

A I was aware of its prominence in the news.

Q Did you hear your parents discussing it at all?

A I probably did.

Q Do you recall any conjecture of the part of either of them as to whether or not the Doctor was guilty or innocent or anything in that connection?

A No.

Q Are you aware of any opinions that either of them may not now hold or have expressed to you or indicated as to the merits of this case?

A They do not have an opinion as of yet.

Q To your knowledge?

A To my knowledge.

Q Have they indicated affirmatively that they have no opinion, is that correct?

A That's correct.

Q Then it is fair to say that you will not be influenced by anything they have said either way in this case?

A Correct.

Q Mr. Lindblom, have you had any legal training of any kind in connection with your Revenue Agency duties?

A Well, I received a thirteen week course in tax law.

Q As part of that course, were you given some instruction on the rules of evidence?

A There was some time spent on that.

Q Were you given some instruction on some restrictions

that might be imposed upon talking with people that you would investigate?

A I don't understand your question.

Q Do you recall any instruction on the conditions which might be imposed upon your having conversation with the subject of an investigation?

A No, I don't.

Q Well, assuming that you did have some instruction which was legal or peripherally legal, you understand the law in this case, the rules, all of the rules are controlled by and will be given you by Judge Talty?

A I understand that.

Q Now, again, notwithstanding any prior information or opinion that you may have had from lawyers, or professors or whoever talked with you, if Judge Talty gives you an instruction of law that contradicts something you earlier thought or believed, will you be able to follow that instruction assiduously, and put away from your mind, not consider, what you thought the law was?

A Yes, I will.

Q You will be informed at some time, should it become appropriate, that the burden of proof is upon the State of Ohio and remains there throughout the course of the proceedings, and that the defense has no burden whatsoever.

Now, if the State proves to your satisfaction that

Marilyn Sheppard was murdered by someone in her own home in 1954, and that the defendant Sam Sheppard was home that night, and in opposition to this proof the defense presents nothing, no evidence, no offer to explain, and you are told you may draw no inference whatsoever, no indication of guilt from the total silence of the defense, will you be able to accept that instruction and evaluate the question of proof beyond a reasonable doubt, solely with reference to the evidence produced by the State?

A I will.

Q There are several kinds of evidence used in a law suit, and you will be instructed further about them by the Court.

One of the kinds is circumstantial evidence. When circumstantial evidence is used, there is an absence of direct proof of the fact in question in this case, did Doctor Sheppard kill his wife, but other facts could be proved from which you using your common experience would draw inferences, things which normally would follow the proof of such facts or the combination of those facts, do you have any or are you conscious of any distrust of circumstantial evidence as such?

A No, sir.

Q And if the Court instructed you that it was perfectly reliable evidence, properly proven, if proper rules are applied to it, could you accept that instruction without

reservation?

A I could.

Q If you were further instructed that with respect to the circumstantial evidence, there is a special rule, and that is that where the proven facts are susceptible of two interpretations, two reasonable interpretations, or more than two, one of which may be consistent with innocence, that you must discard the circumstantial evidence, could you accept that instruction and follow it?

A Do you understand my question?

A Would you repeat it? No, I don't.

Q All right; it is complex and I will put it again.

If when the case is over, there are some facts proven to your satisfaction, such as the ones I listed, the death of Marilyn Sheppard, the presence in her home, the fact that Sam Sheppard was there, the weather conditions or some other facts, and the Court instructs you that in deciding this case and deciding whether or not the State of Ohio has proven guilt beyond a reasonable doubt, as to so much of the evidence that is circumstantial rather than direct, if you find in your judgment, in your experience, that the facts proved are consistent with guilt on the one hand, but also consistent with innocence, and if you are instructed that in that event you must disregard the circumstantial evidence, that it does not constitute proof, would you be able to

conscientiously follow that instruction?

A Yes, I would.

Q Do you understand?

A Yes.

Q Now, the prosecution has the burden of proof as you have been told, and the defendant has a right to present proof if he wishes, and has a right among other defenses if he wishes to prove that not he but somebody else committed the crime with which he is charged.

He may use the same kinds of evidence that the State may.

If the prosecution presents circumstantial evidence on the one hand, and the defense presents circumstantial on the other hand, could you listen with an open mind to both sides of the case as ready to accept the defense evidence as you would be to accept the prosecution evidence?

A Yes, I could.

Q You have never sat as a juror before, have you?

A No, I have not.

Q The Court has averred to the fact, and will explain in detail before this cause is submitted to you, if you are selected as a juror, that the level of proof which the State of Ohio must attain to support a conviction is proof beyond a reasonable doubt.

Now, if you are told by the Court at the conclusion

of this case and before you deliberate, that a probability of guilt is not enough, but that proof beyond a reasonable doubt is a somewhat higher standard as the Court may explain, could you accept that instruction and acquit, unless you found proof beyond a reasonable doubt?

A I could.

Q You fully understand the necessity for the application of these rules to the facts to which you will be the judge, do you not?

A Yes, I do.

Q Now, if the Court instructs you that as a juror you are one of the sole judges of the facts, together with your fellow jurors, who can make the decision as to what the facts are, and that the responsibility is yours and yours alone, and that you must not depend upon anyone else or any other procedure, to reliably decide the facts, but you must assume the full responsibility for deciding those facts, can you accept that responsibility, do you believe, and discharge it?

A Yes, I believe I can accept it.

Q Now, the defendant in a criminal case has a right to remain silent, and if he chooses to remain silent, no matter what the evidence against him, and even though he does not explain it, the Court will tell you that the fact of his silence cannot be used one iota as a basis for judgment on

your part that he is hiding something and that he is guilty or that there is an inference of guilt; now, if you were given that instruction, no matter what you might think, aside from the law as the Court gives it to you, personally, about a man remaining silent, but if you were given that instruction, could you put from your mind any inference that might otherwise arise in day to day life from the silence of the accused, and judge him solely according to the instructions given you in that regard by the Court?

A I could.

Q Mr. Lindblom, the defendant also has a right to testify if he chooses.

If Doctor Sheppard did testify and gave you information tending to contradict that which the prosecution was urging as either proven or circumstantially proven, would you feel that you had to afford his testimony less weight than that of any other witness, solely because he was the defendant in the case?

A No.

Q Would you be able to give him the same chance to be believed by you as any witness who takes the witness stand and testifies under oath?

A Yes.

Q Supposing the Coroner of Cuyahoga County were to take the witness stand and testify as a medical doctor and give

an opinion for the State, and a medical doctor who had no official capacity at all, but is a private practitioner were to take the stand and contradict that opinion for the defense, would you feel inclined to attach any more weight or significance or believability to the testimony of the Coroner simply because he is the Coroner and thus a state official?

A No, I would not.

Q As the sole judge of the credibility of any given witness, you will be told that you have the power to believe all or a part, any part that you like, or none of what a witness tells you, and that in exercising that power you rely upon your ordinary common sense in evaluating the credibility.

THE COURT: Counselor, may I interpose here? I believe Mrs. March needs some water.

MR. BAILEY: Yes, indeed.

THE COURT: You may keep that glass with you, Mrs. March.

By Mr. Bailey:

Q Mr. Lindblom, do you know of any reason at all why you would have difficulty in being completely fair and unbiased as far as Doctor Sheppard is concerned?

A No, sir.

Q Is there anything you ever heard about him from any source that has influenced you in such a manner that you could not be as impartial as you might to another defendant, an ordinary defendant?

A No.

MR. BAILEY: Pass the juror for cause, your Honor.

THE COURT: Mr. Lindblom, would you be kind enough, sir, to take the second chair here next to Mr. Eisenberg, please.

Bear with me a minute, gentlemen, please.

Gentlemen, I believe that the option is with the State of Ohio.

MR. SPELLACY: Yes. If it please the Court, the State will excuse Juror number one, Mr. Eisenberg.

THE COURT: Mr. Eisenberg, before excusing you, the Court wishes to commend you for your willingness to sit with us throughout the course of this case, if you had been selected as a juror, and we want to thank you for the time that you have spent participating here in this building, since

the start of the week.

But before excusing you, the Court is duty bound and hereby instructs you, sir, that you shall not discuss this case with anyone, including any member of your family. You shall not permit anyone else to discuss it with you, nor shall you express any view that you may have with respect to the merits of this case, until such time, sir, as you learn for a certainty that a jury has returned its verdict in this courtroom.

Do you understand these instructions, sir?

MR. EISENBERG: Yes, sir.

THE COURT: And will you follow them?

MR. EISENBERG: Yes, sir.

THE COURT: Thank you very much, and you may be escorted from the room, Mr. Eisenberg.

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