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8-11-1964

Civil Docket and Clerk's Certificate

John D. Lyter
Clerk, S.D. Ohio

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CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date:

16077

6640

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

Samuel H. Sheppard

vs

E.L. Maxwell, Warden

For plaintiff:

F. Lee Bailey, 40 Court St., Boston, Mass.

~~Alexander H. Martin, Jr., 33 Arbor St., Columbus, Ohio~~

Russell A. Sherman, Lorain County Bank Bldg., Elyria, Ohio

Benjamin L. Clark

50 W. Broad St., Columbus, O.

For defendant:

Attorney General of Ohio

Gertrude Bauer Mahon

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed	Clerk	7-15	Atty. Gen. of Ohio	5 00	
J.S. 6 mailed	Marshal	7-28	ad 2-2		
Basis of Action: Fed. Question Application for Writ of Habeas Corpus	Docket fee Witness fees				
Action arose at:	Depositions				

FILED

AUG 11 1964

CARL W. REUSS, Clerk

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-11-63	Affidavit of Poverty and Motion to proceed in Forma Pauperis in Habeas Corpus proceedings, filed.	
4-11-63	Order Granting Leave to Proceed in Forma Pauperis, filed.	
4-11-63	Petition for Writ of Habeas Corpus, filed.	
4-11-63	Note: Oral Hearing-parties given 2 weeks to file memo. with the Court Re: Issuance of Writ.	
4-11-63	Order to Show Cause filed.	
4-24-63	Brief of Respondent filed.	
4-25-63	Memorandum of Petitioner, filed.	
5-2-63	Memorandum of Petitioner, filed.	
8-22-63	Order-The Clerk, Common Pleas Court of Cuyahoga County forward to the Clerk of this Court the Bill of Exceptions, filed. Copy to Clerk of the County Court.	
8-27-63	Note: 12 volumes and 1 supplemental volume of the bill of exceptions in State of Ohio vs Samuel H. Sheppard, No. 64571, received from the Clerk of the Court of Common Pleas, Cuyahoga County, Ohio. Answer and return of Writ, filed.	
1-8-64	Pre-trial order No. 1 filed.	
1-17-64	Entry - date for filing Pre-Trial Order No. 2 and 3 continued until 1-27-64 filed.	
1-22-64	Pre-trial order no. 2, filed.	
1-28-64	Pre-Trial order No. 3, filed.	
1-29-64	Order-Counsel to file supplement to pre-trial order # 3, it is to be identified as 3(a), pre-trial order # 3(a) shall be filed within 15 days, filed. Copy to counsel.	
2-5-64	Order filed, Clerk of the Common Pleas Court, Cuyahoga County, Ohio, directed to forward the complete case file in State of Ohio v Samuel H. Sheppard to the Clerk of this Court. Cert. copy mailed. Copies to Counsel.	
2-11-64	Note: Case file in State of Ohio vs Samuel H. Sheppard received from the Clerk of Common Pleas Court, Cuyahoga County, Ohio.	
2-27-64	Application of the Attorney General for leave to add Gertrude Bauer Mahon as special counsel, filed.	
3-4-64	Order-Gertrude Bauer Mahon is hereby recorded as additional counsel of record for respondent, filed.	
3-12-64	Order-Time is granted to plft's. counsel to comply with the previous stipulations and orders of the Court, filed. Copy to counsel.	
3-20-64	Pre Trial Order No. 3A filed.	
3-20-64	Pre Trial Order No. 4 filed.	
3-20-64	Order-Re: Pre-Trial order # 4, petitioner's brief regarding the applicable law on the issues shall be filed on or before 4-20-64; counsel are advised that a conference is set for May 6, 1964 at 2:00 P.M., at Dayton, Ohio, filed. Copy mailed to all counsel. Appearance of B. Clark as counsel for petitioner filed.	
3-24-64	Brief of petitioner, filed.	
4-6-64	Entry-The name of Alexander H. Martin be stricken from the records and the name of Benjamin L. Clark be substituted, filed.	
4-8-64	Brief of respondent filed.	
4-22-64	Order filed; counsel shall within 10 days reduce to writing and file the stipulations reached at the pre-trial conference had this day, issues 2, 13, 14 & 22 are consolidated with the remaining issues, all evidence shall be presented by affidavit &/or deposition & counsel for Respondent requests & counsel for Petitioner waives oral argument.	
5-6-64		

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Of Judgment
5-18-64 5-18-64	Stipulation filed. Exhibits to Judge Weinman. Note: One carton of newspaper clippings covering the Sheppard trial from 7-4-54 through 12-21-54 received and forwarded to Judge Weinman	
6-1-64 6-3-64 6-3-64 6-3-64	Petitioner's Supplementary brief, filed. Brief of Respondents filed. Statement of F. Garmone dated 5-21-64 filed. Statement of E. Murray dated 5-21-64 filed.	
7-15-64	Decision and Order--Petitioner shall be released upon the posting of a \$10,000.00 bond. Said bond shall be conditioned upon Petitioner's appearance before the Common Pleas Court of Cuyahoga County, should such an order be issued, he shall also remain subject to further order of this Court. Should no further action be taken by the State of Ohio or the County of Cuyahoga within 60 days after the filing of this decision, Petitioner's release shall be final and unconditional and the bond cancelled filed. Copies mailed to counsel.	
7-16-64 7-16-64 7-24-64	Bond in the amount of \$10,000.00 filed. Notice of Appeal, filed.	
7-24-64 8-4-64	Certified copy of an order entered 7-22-64 by the U.S. Court of Appeals for the 6th Circuit filed; Petitioner is required to enter into a new bond in the amount of \$10,000.00 and the order of this court filed 7-15-64 regarding the final release of the Petitioner is stayed pending disposition of the appeal. Bond in the amount of \$10,000.00 filed. Record Certified to U.S. Court of Appeals for the Sixth JCircuit, Cincinnati, Ohio	

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

16077

Samuel H. Sheppard

Petitioner

vs

Civil No. 6640

E.L. Maxwell, Warden

Respondent

CLERK'S CERTIFICATE

I, John D. Lyter, Clerk of the United States District Court for the Southern District of Ohio, Eastern Division, do hereby certify that the papers transmitted herewith and enumerated on the attached sheet comprise the record on Appeal in the above-entitled case:

FILED

AUG 11 1964

CARL W. REUSS, Clerk

IN TESTIMONY WHEREOF, I have
hereunto subscribed my name
and affixed the seal of the
aforesaid Court at Columbus,
Ohio, this 4th day of August,
1964.

JOHN D. LYTER, CLERK

By *R.A. Lotterman*
Deputy Clerk