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54/10/23 Here Is Death Trial Step by Step

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Here Is Death Trial, Step by Step

Dr. Samuel H. Sheppard's wife murder trial is giving him—and a lot of other Clevelanders—an education in legal procedure.

Here's how the murder trial will proceed:

First step of picking a tentative 12-member jury from the special venire of 75 jurors summoned for the trial has been completed.

Now prosecution and defense, in turn, will be permitted to use their six peremptory challenges each.

After each challenge is used, the jury vacancies must be filled from the remaining members of the venire.

When the venire is exhausted—if it is—more names can be drawn from the jury drum at Lakeside Courthouse.

When the final jury is seated, one or two alternates are selected.

Each side is allowed two peremptory challenges in the selection of each alternate.

When the final jury is sworn in, members will be driven to

the murder home at 28924 Lake Rd., Bay Village. They will be accompanied by the defendant, the defense lawyers and the prosecution team.

But, under orders of Judge Edward Blythin, who will not make the trip, the rival lawyers will not be permitted to address the jurors. A bailiff designated by the judge will point out what he wants the panel to see.

When the jury returns to the Criminal Courts Bldg., the chief prosecutor will make an opening statement, explaining why "the People of Ohio" accuse Dr. Sam of first-degree murder.

Then the chief defense counsel will make his opening statement of why his client is innocent.

The prosecution then will call its witnesses, who will be subject to cross-examination by the defense.

When the state rests, the defense will move for an instructed verdict of acquittal on the ground that the charge has not been proven.

If this is denied by the judge, the defense then calls its own witnesses.

When the defense rests, the prosecution and defense may present rebuttal testimony. Then come the final arguments.

The prosecution has the last words before the judge delivers his charge to the jury, indicating which on the weight to be given to different evidence, the facts they are to determine, the possible legal verdicts from which they may choose.

The jury then retires to deliberate—and the defendant begins what may be the most nerve-wracking wait of his life.