

Monday Afternoon Session, 1:30 p.m., October 24, 1966

THE COURT: Let the record show that all members of this prospective panel are here in court, in open court, and that the lawyers and the defendant are all seated at the trial table.

These remarks, ladies and gentlemen, will be brief and they are addressed to each of you as members of this prospective panel, and you will observe them closely.

From time to time the lawyers for one side or the other may challenge jurors for cause. Now, if the Court sustains or grants such a challenge, you will be excused.

If the challenge, however, is overruled, you may be seated and then you may hear and decide this case.

If you should be challenged you should not regard this as a personal affront, and you should not feel that your wisdom, honesty, or integrity is being questioned.

If after a challenge for cause you are seated as a juror, it would be improper and unfair for you to harbor any resentment or ill will against the side which challenged you, and I instruct you not to do so.

You will not permit the fact that an effort was made to excuse you, influence you in any degree whatsoever in your determination of the merits of this case.

Mr. Patrick, will you escort all the prospective jurors except Mr. Severs and Mrs. Uhrin. (Thereupon the panel was excused from the courtroom.)

Counsel, do you wish to address yourself to the Court?

MR. BAILEY: Yes, your Honor. Before the voir dire continues, may we approach the bench, as a matter of record?

THE COURT: Yes.

(Thereupon counsel and the Court conferred at the Court's bench, as follows:)

MR. BAILEY: Before the prospective juror, Mrs. Uhrin, is asked what her opinion is, or was in this case, in the presence of the prospective juror Mr. Severs, I once again move that he be withdrawn from the hearing of this continued examination, and I suggest to the Court that since we have no idea how many people may have opinions, I anticipate a large number may express opinions of guilt, or that they resided within their residence

for twelve years, that a juror could well become tainted, getting a strong view of sentiment during the voir dire proceedings themselves.

That is the basis of my motion, with respect to Mr. Severs and all the other people who are seated.

MR. CORRIGAN: The State will not ask this prospective juror or any other juror what their opinion is, and will object to this question being asked by defense counsel.

It is in our opinion an improper question to ask. Therefore, the other jurors cannot be tainted if the Court agrees with that position.

MR. BAILLEY: All right, then I have to ask it and if the Court overrules it, fine, but if this juror has had an opinion for 12 years that Sam Sheppard is guilty, I think we are entitled to know it.

THE COURT: The motion is hereby overruled.

Counselor Spellacy, you may proceed.

MR. SPELLACY: If it please the Court.

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