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Monday Morning Session, December 6, 1954.

( 9:15 o'clock a.m. )

(Thereupon the following proceedings  
were had in the absence of the jury):

MR. CORRIGAN: If the Court please,  
the extent to which this case is publicized  
seems to be unbounded. Last night at 9 o'clock,  
Walter Winchell, who everybody knows, I think,  
or knows of, -- his broadcast was through WJW  
radio and WXL television -- broadcast to the  
public that a woman named Carol Beasley,  
B-e-a-s-l-e-y, who is under arrest in the  
city of New York for robbery, and who is stated  
to be from Nashville, Tennessee, that Winchell  
broadcast that she had stated that Sam Sheppard  
was the -- she was the mistress of Sam Sheppard,  
and that he was responsible for the birth of a  
child, and I want to know -- I want the Court  
to ask this jury if they, or if any of their  
families, heard this broadcast, and if they did  
not hear it, if they were informed of it by any  
of their families.

Now, that was at 9 o'clock last night.

THE COURT: Well, even, so, Mr.

Corrigan, how are you ever going to prevent those things, in any event? I don't justify them at all. I think it is outrageous, but in a sense, it is outrageous even if there were no trial here. The trial has nothing to do with it in the Court's mind, as far as its outrage is concerned, but --

MR. CORRIGAN: I don't know what effect it had on the mind of any of these jurors, and I can't find out unless inquiry is made.

THE COURT: How would you ever, in any jury, avoid that kind of a thing?

MR. CORRIGAN: Well, the Court dismissed a man from the jury here, a man by the name of Manning, who said that he was affected by the fact that something had been said in the paper about him. At least, the Court can find out if this has affected the jury in any way. I don't know what has affected them. There has been so much publicized and so much written and so much talk, everywhere you go, everywhere you go in this city. If you sit in a restaurant, or if you go in a saloon, if you go anywhere, they talk about the Sheppard case,

and here are 12 people that are living in this community being exposed to that whole thing all the time. Fair trial?

THE COURT: All right. Let's have the jury, please.

(Thereupon the following proceedings were had in the presence of the jury):

THE COURT: Ladies and gentlemen of the jury, I would like to ask you, and I want you to be perfectly frank and honest about it, I would like to ask you if any of you heard the Winchell broadcast, either by radio or by television last night?

JUROR NO. 2: I did.

JUROR NO. 13: Yes.

THE COURT: Would that have any effect upon your judgment?

JUROR NO. 2: No.

JUROR NO. 13: No.

MR. CORRIGAN: May I have the names of the jurors?

THE COURT: I do hope, ladies, -- I would like to ask if any of you know if any members of your families heard the broadcast?

Have any of you, other than these two ladies,

heard anything about that broadcast last night? And I wish to ask you two ladies in particular, and all of you in general, to pay no attention whatever to that kind of scavenging. It has no place, in my judgment, on the air at all, but that is not for me to determine, but surely it has no place whatever in our thinking or considerations or thoughts in any way, shape or manner in this case. Let's confine ourselves to this courtroom, if you please.

MR. CORRIGAN: May I have the names in the record, your Honor?

THE COURT: Well, I don't know just exactly what you are going to put in the record, or what it is all about. I think you better do that in consultation with the prosecutor and agree on what is to go into the record. The Court has no objection, of course.

And, Mr. Reporter, when the prosecutor and counsel for defense agree as to what is to be put in the record, let's put it in at this point.

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