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MR. CORRIGAN: If the Court please,  
I would like to renew my motions at this time, and  
I think that that is the rule established in the  
law of Ohio that I do have to renew my motions  
at this time, both for a continuance of this case  
and a change of venue.

Frankly, I am rather overcome by what has  
occurred during the past week that we have been  
in this courtroom. The situation that I described  
at the opening of the case has not abated in regard  
to the tremendous coverage given by the newspapers  
of the city of Cleveland and of the United States  
to this case. To a lawyer placed in the position  
of defending an individual for the crime of murder  
in the first degree, it is oppressive and depressive,  
and the number of reporters and the number of  
newspaper representatives have not decreased but  
rather have increased.

We are honored this morning by the presence  
of a very famous radio commentator and news commentator,  
Mr. Bob Consodine. Of course, we are glad to welcome  
him to the city, but still it shows how tremendous  
the coverage of this particular case is, and it  
really doesn't deserve it.

Now, the incidents that happened this morning

indicate what is moving around in the city.

That here is a man, Mr. Solli, a member of this jury, that we are receiving telephone calls about. Mr. Mahon receives a telephone call about him that he wouldn't vote for a death penalty, and we receive a telephone call that, both my office received it and Mr. Garmone--Mr. Garmone's wife received it, that he had expressed the opinion that if he got on the jury he would burn Sam Sheppard.

Now, those are just incidents. I want to call particular attention to the article of Sidney Andorn in the Friday, October 22nd, issue, on the front page, and he says --

THE COURT: That was last Friday?

MR. CORRIGAN: That is last Friday, and this was received and went into all the houses of the jurors both sitting on the panel and to be called.

"77 solid days of this delicious dish, and right now you are demanding more. You, the public, are the ones who have been circulating an unending string of jokes about the brutal killing. Some of them are parlor stories, most of them are lascivious, and we worry about juvenile delinquency. Another point: What is there about it that frenzies us into

an orgy of salacious sensationalism, or more to the point: What is there about us who are frenzied? Does Cleveland need mass psychiatry?"

And on another day, when we excused Mrs. Valichnac, there appeared in the paper ~~this~~ statement that we must have had a pipe line into Mrs. Valichnac's home, or that we must have had her telephone wires checked.

MR. GARMONE: That is Mrs. Parker.

MR. CORRIGAN: Mrs. Parker, rather.

Now, of course, I don't know whether they -- those statements are made and the jurors read that and the prospective jurors read that. It is exceedingly damaging to our position and the position of Dr. Sheppard. I don't know whether anybody gives us any credit for a little -- a modicum of intelligence, anyway, in the examination of a juror, things that we have been doing for years and years and years.

Now, the further thing that I want to call the Court's attention to in this matter is the debate that took place and that was broadcast throughout this community on the very day -- the very night the trial opened and, of course, there was an admission as to how this case got into court.

The Court has learned during the trial of the case that the Cleveland Press ran a series of editorials before the arrest of Sam Sheppard such as "Bring him in." "Where is the chief suspect?" "Give him the Third Degree." and "Someone is getting away with murder."

All front page editorials, and subsequently, this man was arrested, and was it the action of the authorities and the investigation of a murder case that caused his arrest? The answer is given by Mr. Allen:

"I think the Press handling of the Sheppard story produced the trial that we got over there today, because I don't think the officials were going to do anything about it."

And that is the situation that we have here today. And in support of my motion, I want to introduce the copies of the Press, the News and the Plain Dealer for each day last week. (To the court reporter) You will mark them when you get around to them.

I want to introduce various newspapers throughout the United States from New York to San Francisco, Orlando, Florida, and various other places in the United States, all of which are purchased on

the newsstands of the city of Cleveland. And I want to introduce magazines which are circulated in the city of Cleveland, "Headquarters Detective; Inside Detective; Real Detective." All of which are circulated in the city of Cleveland.

I want to introduce the broadcast of that speech. I want to especially introduce the Saturday, October the 23rd issue of the Cleveland Press that contains a front page editorial that is not news, by any means, it doesn't pretend to be news, but which went into every juror's home in this community. All these people subscribe to the Press. And it is a story attempting to arouse an animosity for this defendant by saying, "Who will speak for Marilyn? Who will represent her in court, Marilyn, who was murdered, and who has no one here to represent her, although Dr. Sheppard is surrounded by lawyers, and he is being taken care of by lawyers."

And it is an article that has for its entire purpose the carrying-out of the plan of the Cleveland Press started back in July and carried continuously through this case to influence the jury and to influence prospective jurors.

Now, there isn't a person upon that jury, there isn't a person that will come in through that

door to sit on that jury, except this one woman here who said that she didn't read about it, that she didn't listen to it, that she turned off the radio, that is the only one -- all of the rest of them have read about it and they have heard about it.

This man up here, Mr. Liederbach, says he has discussed it with 35 or 40 people, and so the picture fills in, and we have received many, many letters. Undoubtedly Mr. Mahon has received many, many letters. Undoubtedly your Honor has received many, many letters. You never saw anything in your whole existence as a lawyer, as a public official or as a Judge, in all of the important positions that your Honor has held in this community, both as Mayor, as City Law Director, as Treasurer of Western Reserve University, as Judge in the Court of Common Pleas, in your busy life --

THE COURT:                    You never mentioned the Transit?

MR. CORRIGAN:                What?

THE COURT:                    You better mention the Transit Board. That is important.

MR. CORRIGAN:                The Transit Board. You have been highly honored by the community, and you bring to this bench now this morning all the experience

that you have had, that you have gained in life, and you know, Judge Blythin, as well as I do, that with the situation surrounding this man, it is impossible for him to get a fair jury in this community, and that even though people come in and say, "Well, we haven't any opinion, but we have read all about it," we have enough experience with human beings to know that we start out in this case with the odds against us.

And I think it is my duty as a member of the American Bar to raise my voice in protest against a situation such as I have met in this case.

I, therefore, renew my motions.

(Defendants Exhibits 5, (on motions) being Headquarters Detective Magazine; 6, being Inside Detective Magazine; 7, being Real Detective Magazine; 8 to 49, inc., being various newspapers, were marked for identification.)

THE COURT: Do you want to be heard?

MR. MAHON: Well, if your Honor please,

I don't want to say very much about it at this time. Of course, you cannot stop publicity and, of course, there is no question but what this case has had a lot of publicity. The Court has no control over that. We have no control over that. If this case was

continued today, six months from now, the publicity might die down in the meantime, but when the date of the trial approached again you would have the same situation, so it would be an indefinite postponement. This matter would never come to trial if the sole claim here is about publicity.

Now, they say -- Mr. Corrigan has said that the newspapers have printed items detrimental to the defendant, that it was because of the Press that this matter was finally brought to trial, and I want to disagree with him on that.

MR. CORRIGAN:           You want to what?

MR. MAHON:             Disagree with you.

MR. CORRIGAN:           Well, I am just saying what they say.

MR. MAHON:             I don't care what they say. This matter was under investigation by the authorities. It was under investigation by the Prosecutor's office from about the 6th or 7th day of July, and when we thought the time was appropriate, the matter was presented to the Grand Jury, and the Grand Jury had evidence before it that returned this indictment. There was nothing forced here at all.

Now, the complaint about articles in the paper. I have seen articles in the Press and other local



papers. For instance, a statement -- the space that was afforded to Sam Sheppard to tell his side of it, and they gave it considerable space in the Cleveland Press. Statements from his brothers were in the Cleveland Press. Statements from his lawyers were in the Cleveland Press setting forth their positions in this matter. Just a week ago there was attributed to his brother, Steve, a statement that the prosecutor had entered into some kind of a deal whereby this defendant, if he entered a plea of guilty, would receive a sentence of not more than six months, statements without any foundation whatsoever, if your Honor please. No such thing ever happened. No such talk was ever had with anyone concerning a situation of that kind. And so there are articles or were articles in the newspaper beneficial to this defendant, also.

We cannot control what the newspapers publish. They have a right to publish the news. Free press is guaranteed by the Constitution of these United States, and the postponement of this trial would not accomplish one thing.

THE COURT:                      What would the removal  
of it do?

MR. MAHON:                      The removal of it would not

accomplish, in my opinion, one thing. You take it to any other County in the State and you would still have that interest and the publicity concerning this matter. I don't care what County you would take it into. This has had a wide circulation, and it is not confined to this County. It is not confined to this State. It has been all over the United States, and I don't think that moving it out of this County would help it in the slightest. I believe that in this County you can empanel a jury who will be fair and impartial.

Your Honor has heard all of these jurors examined here during the past week, and very few of them have been excused because they had definite opinions on this matter at all.

Now, that is the situation that we have here. At this time I don't see why this motion should be granted. I think we should go forward and complete the empaneling of this jury. This jury has not been empaneled as yet. There are twelve tentative jurors that have been seated, but there are still challenges that can be exercised. The entire complexion of this jury might change with the exercising of those challenges.

THE COURT:

I take it that Mr. Corrigan's

remarks and motion are directed not to the particular people, nor people who will come, but to the entire situation based on the publicity and the supposed pressure in the community which would make a fair trial impossible. I take it that that is Mr. Corrigan's position.

MR. CORRIGAN: That is right.

MR. MAHON: Well, the people, if your Honor please, who are going to be responsible for a fair trial in this case is not the general public. It is the 12 men and women who will sit in this jury box and listen to the evidence as they have sworn. These 12, who are now tentatively seated, have sworn that they will be guided entirely in their decision by the evidence that they receive in open court and the law that your Honor will instruct them on, and will not be influenced in the slightest by any outside consideration at all, anything they might hear or read or have heard or read concerning this entire matter.

Now, if we cannot accept people on their oath, after examination, of what benefit is our jury system at all? That is the situation we have here, regardless of what we might speculate as to what the public thinks.

THE COURT: As the Court views the

situation at the moment, it is this:

We have spent one week here, almost a week, at least, a court week, in an effort to arrive at a fair and impartial jury for the trial of this cause. The Court thinks -- his thoughts may not be important at the moment -- but he thinks that at the moment we have done fairly well, and that there is certainly not here yet clear evidence that we cannot empanel a fair and an impartial jury, as has just this moment been suggested.

After all, we have the jury system and we believe in it, certainly this Court does, and this Court believes, too, that the average person is thoroughly honest when called upon as a juror, whether it be this case or some other case.

We can't control publicity, and I do not believe that you will ever end the publicity in this case until you end the trial of this case, and I think perhaps it is our duty to put that business in reverse and proceed on a business-like, fair, honest, legal basis to try the case and have it disposed of in the interest of the State and certainly it is in the interest of Sam Sheppard to know whether a fair and an impartial jury would declare him guilty or not guilty on the evidence which will be here

produced, and the Court has no idea whatever what that evidence will be. He hasn't even a thought as to the direction of it. He is fortunate in that respect, and he is very pleased about this situation. ✓

I think that the proper procedure now is to deny the admission of these at the moment. A proffer of them will be shown.

The motion will be overruled, and we will ✓ proceed further in our effort, and this entire matter will come in its proper order later. Let the record show the proffer.

MR. CORRIGAN: I show the proffer.

THE COURT: And exceptions will be noted, of course.

(Defendant's Exhibits (on motions) 4 to 49, inc., were proffered into the record.)

THE COURT: Do you wish to proceed with it further before the noon hour, or would you rather adjourn now and meet at one o'clock?

MR. MAHON: One o'clock.

MR. GARMONE: One o'clock.

THE COURT: Is that agreeable?

MR. CORRIGAN: That is agreeable.

THE COURT: Without any formality --

do you wish the panel called down to be dismissed?

All right. We will be adjourned until  
one o'clock this afternoon.

MR. CORRIGAN:           Note an exception  
to the ruling.

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(Thereupon an adjournment was taken to  
1:00 o'clock p.m., of the same day, at which  
time the following proceedings were had):

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