

MR. CORRIGAN: We except, your Honor,  
to relieving this man.

(Thereupon Prospective Juror James R. Manning  
was excused.)

MR. CORRIGAN: Now, at this time I  
renew my motion for a continuance and renew my  
motion for a change of venue.

THE COURT: They will both be  
overruled. Exceptions noted.

Are you ready to make opening statements,  
gentlemen?

MR. MAHON: Judge, we want to make  
a motion, but I think it should be in the presence  
of the jury.

THE COURT: Sir?

MR. MAHON: We want to make a motion  
at this time, but I think it should be in the  
presence of the jury.

THE COURT: All right.

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

MR. CORRIGAN: Now, if the Court please,  
due to the situation that has arisen, I want to  
exercise the challenge I have left. I, therefore,  
without any offense to you, Mr. Manning -- I am

protecting my record -- therefore, I challenge Mr.  
Hansen.

THE COURT:                      The challenge will be  
denied. Exception noted.

MR. CORRIGAN: I now want to move that a juror be withdrawn and the case continued.

THE COURT: That will be overruled.  
Exceptions noted.

MR. MAHON: If the Court please, at this time I would like to move the Court to have this jury conveyed to the home of Dr. Sheppard where this crime is alleged to have occurred so that they might view the premises there, not to take evidence, but to visualize the surroundings there so that they might be better able to understand the evidence as it is produced in court, and I make a motion that they view the premises.

MR. CORRIGAN: I will join in the motion, your Honor, providing that the premises are in the same condition and unchanged since -- the same conditions and unchanged as they were on July 4th. Now, as I understand it, they are not, and I think the Court should make some inquiry on that subject.

I understand that things have been taken out of the house, things have been removed from the house,

articles have been taken out and taken back in, it has been run over by many, many people; that the police have been there and made chalk marks around the house. And Sam Sheppard, of course, has been denied, and all his people have been denied, access to the house, as well as counsel, since July 4, 1954.

So if the premises are in the same condition, yes. If they are not, then I don't join in the motion. I think the Court should inquire as to what has happened to those premises since they have been taken out of the possession of Sam Sheppard.

THE COURT: The Court will not go into that because the jury is not going out, in any event, to gather any evidence. The jury is going out to see exactly the situation as it now is, and only for the purpose of better understanding the testimony as it develops from this witness chair.

If there is an objection, it will be overruled, and exception noted.

MR. CORRIGAN: Exception.

THE COURT: Ladies and gentlemen of the jury, you are to be conducted to the scene of the happenings that will be testified to in this cause. You are going for one purpose and one only, and that is to view the premises, see the premises, not for the

purpose of forming any ideas of your own at all about anything, but for the sole purpose of enabling you -- and we hope it does -- to better understand the testimony that will be produced from this witness stand. You are not gathering any evidence. The only evidence that is to be considered in this case will be that which is produced here in open court.

So I hope you understand the purpose of the visit is merely to see what you do see there, and for that limited purpose only. There are certain rules to be complied with in such a visit.

You are under the command of an officer of the Court, and for that purpose the Court appoints Mr. Joseph Sweeney, the sheriff of this county, to conduct you upon that visit to the home.

This is the sheriff who will conduct you. You are not to have any conversation of any kind with anyone about anything on this visit unless you have that communication through the sheriff. He is the only person to whom you are to be permitted to speak at all upon the premises and about this particular case or any matter involved in it, and if counsel for the State or counsel for the Defense or anyone wishes to -- there won't be anyone else, in any event -- wishes to communicate with you at all, that person, too, must do

it through the sheriff. He is your host and he is the only person who is to convey any information to you or to whom you are to convey any information or any inquiry of any kind whatever.

The bailiff of this court, Edgar Francis, will go with you but you are not in his charge; you are in charge of the sheriff. He will only go to take care of accommodating any of you in any convenience that you may need upon the jury there and back.

(Thereupon a discussion was had between Court and counsel out of the hearing of the jury, after which the following proceedings were had within the hearing of the jury:)

THE COURT:                      Now, it will probably take an hour to get that bus here.

MR. MAHON:                      Judge, I want it made clear that in addition to viewing the house, we want a view of the grounds there, also.

THE COURT:                      Oh, yes, of course, a view of the premises, whatever is shown you by the sheriff.

Now, the timing: I am afraid that we did not order, of course, a bus for the simple reason that we didn't know just exactly what was going to develop here. I would like to have this view made today and

opening statements at least made today.

(Thereupon a discussion was had between Court and counsel out of the hearing of the jury, after which the following proceedings were had within the hearing of the jury:)

THE COURT:                      The Court has consulted his lawyers, ladies and gentlemen, and we are getting somewhere now. It may take us as long as an hour to get a Cleveland Transit bus in front of the building here to take you over to the premises. That would make it 11:30, almost the noon hour. So we have agreed that we will now adjourn until one o'clock this afternoon, and we shall have the bus here at one o'clock, and when you return the sheriff will meet you right here in your jury room and convey you and take you to the premises.

It will take you some time to get there and some little time there and some time to get back here. We do not believe that we can move any further in this cause today. So when you do return, you will be dismissed, and we will be adjourned for the day. And will you please be careful at all times and overnight to observe the caution which the Court has heretofore expressed to you, do not discuss this case at all, even among yourselves, either in your jury room

or elsewhere.

MR. CORRIGAN: May I say one thing,  
your Honor?

THE COURT: Yes.

MR. CORRIGAN: I make the demand, your  
Honor -- you didn't mention it -- that the defendant,  
Sam Sheppard, accompany the jury to the scene; that  
at the house the sheriff be instructed to comply with  
the requests of the attorneys for Sam Sheppard and  
Sam Sheppard to point out to the jury such things  
as he desires to be pointed out.

THE COURT: That request will be  
granted. You understand, Mr. Sheriff, that Sam Sheppard  
is entitled to visit the premises at the time of the  
visit by the jury and he is entitled to have those  
things shown that he wants shown through you to the  
members of the jury.

MR. MAHON: And the Prosecutor has  
the same right.

THE COURT: And the Prosecutor has  
the same right, of course.

MR. CORRIGAN: And may I have this  
understood, your Honor, that at all times while any-  
thing is being shown at that house or on those grounds,  
or while anything is stated to the jury at the request

of counsel for the defendant or counsel for the State, that Sam Sheppard shall be in a position where he can overhear what is said and what is requested and be in a position to see what is being shown to the rest of the jury? I ask the sheriff to be instructed in that regard.

THE COURT: There will be no dispute about that. Yes, that will be granted, certainly.

All right. Now we will be adjourned until one o'clock sharp this afternoon, ladies and gentlemen. And will you please then be in your jury room and the sheriff will take care of you?

(Thereupon at 10:55 o'clock a.m., an adjournment was taken until 1:00 o'clock p.m. of the same day.)

(Thereupon the following was dictated into the record by Mr. Corrigan at 11:00 o'clock a.m., out of the hearing of the jury, the Court and counsel for the State:)

MR. CORRIGAN: After the jury was discharged at the end of the morning session, at the request of the newspapers, the jury was brought back into the room and sat in the room for a matter of -- how long, 15 minutes, 10 minutes?



MR. CLIFFORD: (Cleveland Press)

Yes.

MR. CORRIGAN: (Continuing) And were subjected to photography, photographing and television cameras by at least 10 cameramen who mounted themselves on chairs, the Judge's bench and various parts of the room. This was all done out of the presence of the defendant, Sam Sheppard.

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