

that you shall well and truly try and true deliverance make between the State of Ohio and the defendant Sam H. Sheppard, as you shall answer to God.

You will answer, "I do."

MRS. PIPOLY: I do.

THE COURT: Mr. Reid, will you pull up a chair at the end of the jury box; and, Mrs. Pipoly, would you be good enough to take that chair, please.

(Thereupon the following proceedings were had at the Court's bench out of the hearing of the jury, as follows:)

THE COURT: Gentlemen, as I understand it, you have no further peremptory challenges with respect to Mrs. Pipoly; is that right?

MR. CORRIGAN: That's right, your Honor.

MR. SHERMAN: That's right.

THE COURT: Now, gentlemen, recalling our conference earlier this morning in Chambers, it is my understanding that it is agreeable with both sides that the Court now excuse Mr. Tenerovich, in open court, and substitute for Mr. Tenerovich alternate juror number one, Mrs. Koch. Is that your understanding, gentlemen?

MR. CORRIGAN: It is the understanding of the State, your Honor.

MR. BAILEY: May I say for the record I have conferred with the defendant about this matter and explained to him the intentions of the Court, and he has concurred personally as well as through counsel.

THE COURT: Thank you. We will do that now, and then I am going to send the jurors out of the room and rule on the motion, gentlemen, that has been filed by the defendant for a change of venue, and then I am going to request you gentlemen to come back into Chambers with me and we will have a recess.

(Thereupon proceedings were resumed within the hearing of the jury, as follows:)

THE COURT: Mr. Tenerovich, earlier today you requested of the Court that you be excused from service as a juror in this cause. The Court has consulted with counselors for both sides, and both counselors are in accord with the Court that you be excused from further service as a juror in this cause, and you are hereby excused, Mr. Tenerovich, as a juror in this cause, from further service as

a juror in this cause.

However, sir, the Court instructs you as a matter of law, that you shall not discuss this case or what little you know of it with anyone, including members of your family. Do you understand that, sir, and you shall not permit anyone else to discuss this case with you.

This rule and this obligation is binding upon you, sir, until such time as you know for a certainty and a fact that this jury in this case has returned its verdict in open court. Do you understand those instructions, sir?

MR. TENEROVICH: Yes.

THE COURT: And will you follow them, sir?

MR. TENEROVICH: I will.

THE COURT: Thank you very much, and you are hereby excused now, Mr. Tenerovich. Mr. Patrick will escort you from the room.

Mrs. Koch, would you be kind enough, please, to move forward and take the chair that Mr. Tenerovich has just vacated.

Mrs. Pipoly, would you be kind enough to move back next to Mrs. March in the last row.

Ladies and gentlemen of the jury, we

are going to have a recess at this time. While you are away on this recess, you shall bear in mind the instructions given you on each occasion when you leave this room, and that is that you shall not discuss this case or what little you know of it, even amongst yourselves. You shall not permit anyone else to discuss it with you, nor shall you permit yourselves to overhear anything that relates to this case by any means or media of communication, and we will stand recessed until you are further instructed, ladies and gentlemen.

(Thereupon the jury was excused from the courtroom, and the following proceedings were had in the absence of the jury:)

THE COURT: You ladies and gentlemen in the back of the room, you may leave the room if you wish. The Court has further business to transact at this time. You may leave now if you wish.

You may be at ease and visit amongst yourselves while we are awaiting the arrival of the balance of the panel, ladies and gentlemen.
(Thereupon the remaining members of the prospective panel were brought into the courtroom, and, after having been duly cautioned by the Court, were

thereupon excused from further service in this case.)
(Thereupon the following proceedings were had in the absence of the jury:)

THE COURT: Let the record show that a jury of twelve, and two alternates, now being impaneled and sworn, and ready to receive evidence, the defendant's motion for an order to change the place of trial for the reason that a fair and impartial trial cannot be had in this county, is hereby overruled.

May I see Counsel in Chambers, please?
(Thereupon the following proceedings were had in the Court's Chambers:)

THE COURT: Mr. Bailey, do you have a motion you wish to direct to the Court's attention?

MR. BAILEY: I wish to renew my motion for the sequestration of the jury for the balance of the trial, until such time as the case has been terminated by law and a verdict has been returned.

THE COURT: Do you have anything to say at this time to that motion, Mr. Corrigan?

MR. CORRIGAN: I wish to enter an objection on the part of the State, predicated on