

a motion now, joint motion for separation of witnesses, and I will announce that in open court. Is that true, Mr. Corrigan?

MR. CORRIGAN: I so move, your Honor.

THE COURT: Mr. Bailey?

MR. BAILEY: It is, your Honor, yes.

THE COURT: Thank you, gentlemen,
and let's proceed with opening statements.

(Thereupon the jury was brought into the courtroom, and the following proceedings were had in the presence and hearing of the jury:)

THE COURT: Good afternoon, ladies and gentlemen.

JURY: Good afternoon.

THE COURT: Ladies and gentlemen,
we come now to the proceeding where we are ready to hear opening statements of counsel. Opening statements of counsel are permitted by law solely for the purpose of permitting counsel to indicate to you what each counsel expects its side of the case or its evidence will produce and be adduced as we go through this case, and as testimony and evidence comes from the witness stand and the witness stand alone.

Opening statements are not evidence, and

will never be considered by you as evidence in this case, any more than closing arguments will not be evidence, if we reach the point of closing arguments.

So the opening statements simply are permitted and envisioned by law so you will more readily follow the evidence and more knowledgeably follow the evidence as it is adduced from the witness stand.

Opening statements, again, are not evidence and will not be so considered by you.

For purposes of opening statement, for and on behalf of the State of Ohio, the Court will call upon either Counselor Corrigan or Spellacy.

MR. CORRIGAN: For the record, your Honor, may I at this time ask for a ruling on the joint motion for separation of witnesses?

THE COURT: Yes, thank you, Counselor.

Ladies and gentlemen of the jury, both sides have requested and have moved for a separation of witnesses, and if there are any witnesses or any persons in the room who are expected to be called as witnesses in this case, they are ordered from the room; and each counselor on each side of the

table will observe the room from time to time to assure themselves that prospective witnesses who have not been called but who are expected to be called, are not seated in the room. That will be the duty of each side of the table.

And now for and on behalf of the State of Ohio, by way of opening statement, either Counselor Corrigan or Spellacy.

OPENING STATEMENT ON BEHALF OF THE STATE OF OHIO

MR. CORRIGAN: May it please the Court, counsel for the defense, ladies and gentlemen: As Judge Talty had indicated to you, at this time each side is afforded the opportunity of making opening statements. The purpose of this is to advise you what we think the evidence will show.

The further purpose is so that you may more understandably and easily follow the testimony as the testimony and the evidence comes into this courtroom through the various witnesses.

Judge Talty had indicated to you that what we say in these opening statements are not evidence.

To review with you just for a moment the procedure that is employed in a criminal case, at