

THE BAILIFF: Gentlemen, the Court requests that each of you remain in your seat until the Court leaves the bench.

The deputy at the rear door will see to it that this is complied with.

THE COURT: Mr. Reporter, does the record reflect that the Court is considering the matter of the State of Ohio vs. Sam H. Sheppard, case number 64,571.

Let the record show that this cause came on for hearing on October 12, 1966, on the motion of Sam H. Sheppard for an order to change the place of trial for the reason that a fair and impartial trial cannot be had in this case in this county.

The Court having considered the evidence submitted by the movant, and having heard the arguments of counsel for the movant and the State, finds that there has not been shown as of this time that a fair and impartial trial cannot be held in this court.

The Court believes that the examination of prospective jurors on voir dire affords the best test of whether a fair and impartial jury can be impaneled in this court.

The Court will further consider this application on its own motion, or the movant may renew or withdraw the motion at his discretion.

Counselor, may I hear from you,
Counselor Sherman?

MR. SHERMAN: If the Court please,
I would first apologize to the Court for the delay in the hearing which was set for 11:00. My client, Mr. Sheppard, was unavoidably detained. He got tied up in some construction traffic and was detained thereby, and we apologize to the Court for this delay.

I would further ask the Court that since the Court has denied this motion, the trial date has been presently set for the 18th of October, due to a conflicting engagement of one of the counsel in another jurisdiction, I would move that the trial be continued until October 24, 1966.

THE COURT: Conflicting schedule
of what counsel?

MR. SHERMAN: Mr. Bailey has a
bail hearing in New Jersey on October 20th, your Honor, which would enter shortly after the date when this trial was originally started, set to be started.

THE COURT: In connection with
what type of a case?

MR. SHERMAN: That is with a first
degree murder case, your Honor.

THE COURT: Counselor Corrigan,
do you wish to address yourself?

MR. CORRIGAN: We have no objection
to such motion for continuance, your Honor.

THE COURT: Thank you, Counsel
Corrigan.

Let the record further reflect that
the Court will draft a new order regulating and
governing the conduct of the trial and the pro-
ceedings incident thereto. The new order will be
entered for record on or before October 19, 1966.

All interested and participating persons
will receive timely notice of when copies of the
order will be available for distribution. Until
such new order is issued the order entered October 10,
1966, is in full force and effect, and applicable
to all transactions and proceedings in this matter.

Let the record further reflect that
the trial of this cause is set for Monday,
October 24th, in this courtroom at 9:15 a.m.,
and the lawyers are hereby requested, if they will,

please, to arrange to be in my chambers at 9:00 a.m. on the morning of October 24th.

Anything further, Counselors?

MR. SHERMAN: Nothing further from the defendant, your Honor. I will file for the record a written request for the delay in trial, if the Court so desires.

THE COURT: Please file it of record this morning, Counselor. Do you have it prepared?

MR. SHERMAN: Yes, your Honor, I have it prepared with the signature of the defendant approving the request.

THE COURT: Thank you, Counselor. Anything further from Counselor Corrigan or Counselor Spellacy?

MR. CORRIGAN: Nothing further from the State at this time, your Honor.

THE COURT: Thank you, Counselor. Mr. Reporter, will you please arrange to return the exhibits submitted and received in connection with the hearing to Mr. Sherman this morning.

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