

Afternoon Session, November 4, 1954.

MR. MAHON: If your Honor please,
may we ask for a separation of witnesses?

THE COURT: Now we will come to
Mr. Corrigan's question. The Court will be
disposed to grant, of course, the privilege of
having one person here in the courtroom in
behalf of the defendant. Can you agree on
who it is to be and what the conduct is to be?

MR. CORRIGAN: I would like Dr.
Stephen Sheppard, because there may come questions,
particularly medical questions that I may want to
consult him on.

MR. MAHON: We object to any
witness being in here who is going to testify,
your Honor.

MR. CORRIGAN: He will testify.

MR. MAHON: Regardless of whether
or not he is of the family or not.

MR. CORRIGAN: I think it is a
reasonable request, your Honor. For instance,
behind these men are the Cleveland police force
that they have at their beck and call. I think
I ought to have one person that I can consult with

in regard to certain questions that come up here.

Now, as far as Stephen Sheppard is concerned, they know what he will testify to. They have statements from him.

THE COURT: Never mind that. What he would testify to isn't involved in the principle of whether he will remain, naturally.

I think, Mr. Mahon, the defendant is perhaps entitled to have one person of his own choice in the courtroom even though he be a witness. It is customary always on this side of the table to permit one or two people who are officially connected with the prosecution, and the Court sees no --

MR. MAHON: That's investigators.

THE COURT: Sir?

MR. MAHON: Those are investigators.

THE COURT: That may be true of investigators, of course, but they are very often witnesses, nevertheless.

MR. MAHON: That's right, but as investigators they are not connected so close with the principals in the case.

MR. GARMONE: Well, that is not a statement that is true. They are just as closely

connected with the State of Ohio as a member of Dr. Sheppard's family would be connected with the case of the defense.

MR. MAHON: Oh, no. There's blood relationship. There's a lot of difference.

THE COURT: Well, the Court will rule that the defense may have one person who may be a witness present in the courtroom during the hearing, and the State of Ohio, of course, has the usual privileges that it has.

Will all those people, with the exception of those who are -- one or two who are to remain with the prosecution, and all witnesses other than those for the prosecution, and all who expect to testify for the defense, with one exception, be kind enough to retire to the witness room or the hall and await your call?

MR. CORRIGAN: The person I shall choose will be Dr. Stephen Sheppard.

THE COURT: All right. Dr. Stephen Sheppard is the choice of the defense.

MR. MAHON: We certainly object to him sitting at the trial table, your Honor.

THE COURT: Oh, yes. He will not be permitted to sit at the trial table.

MR. CORRIGAN: Can he sit at the side here?

THE COURT: Sir?

MR. CORRIGAN: Can he sit over at the side?

THE COURT: The Court wouldn't object to that particularly.

MR. MAHON: I think he should sit back with the spectators, if your Honor please, if you are going to permit him in the room at all.

MR. CORRIGAN: Well, all right. It doesn't make any difference. Let it go. Stay right there, Doctor.

THE COURT: Call your first witness.

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