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MR. GARMONE: If the Court please,
at this time the defendant, Sam H. Sheppard,
rests his case.

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THEREUPON THE DEFENDANT RESTED.

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THE COURT: Let's have it under-
stood that the resting is still subject to a check
on all their exhibits when we are through with all
the testimony.

MR. GARMONE: That is correct.

THE COURT: Has the State any
rebuttal?

MR. DANACEAU: Yes. He is bringing
up a witness.

(Thereupon the following proceedings were
had out of the hearing of the jury):

MR. GARMONE: Let the record show
that we are renewing all of the motions made at
the end of the State's case, as follows: - -

MR. PETERSILGE: The motions are three
in number:

First: To dismiss the indictment, or, in the

alternative, to direct the jury to bring in a verdict of not guilty.

The second motion relates to the count of first degree murder only, and is to enter judgment for the defendant on that count, or, in the alternative, to instruct the jury to bring in a verdict of not guilty on that count.

The third motion relates to all of the included counts, namely, second degree murder, first and second degree manslaughter, assault and battery, and simple assault, and as to each of those counts and as to all of them, the defendant requests the Court to enter judgment for the defendant, or, in the alternative, to instruct the jury to bring in a verdict of not guilty.

THE COURT: Overruled and
exceptions to the defendant.

MR. PETERSILGE: Exceptions.

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