

Monday Morning Session, 9:15 a.m., October 24, 1966

(Thereupon the following proceedings were had  
in Court's Chambers:)

MR. BAILEY: I think, your Honor,  
that probably before we even begin, I should  
formalize those suggestions contained in a memo-  
randum furnished informally to the Court by mail  
a few days ago, and specifically move, first,  
that no prospective juror or jurors who have been  
selected be permitted to listen to the voir dire  
examination of any other juror; and, second, to  
move that immediately upon selection, all jurors  
be kept apart for the duration of the trial.

Those are two separate motions, your  
Honor.

THE COURT: The Court will  
overrule the motions at this time, and the Court  
sua sponte will reconsider the motion or the motions  
any time the Court feels it necessary and proper,  
and Counsel may feel free to resubmit the motions  
at any time he feels, as his professional respon-  
sibility requires him to do so.

Anything further, gentlemen?

MR. BAILEY: Nothing.

MR. SPELLACY: Nothing.

(Thereupon the following proceedings were had in the courtroom:)

THE COURT: Mr. Reporter, does the record reflect that we are considering the case of the State of Ohio vs. Sam H. Sheppard, case number 64,571, in the Court of Common Pleas, Criminal Division.

The Court will direct its attention to the following motion:

"Motion for List of Prosecution Witnesses. Now comes the defendant Sam H. Sheppard by and through his duly authorized attorneys, and respectfully moves the Court for an order requiring counsel for the State of Ohio to furnish the defendant prior to the examination of prospective jurors a list of those witnesses who will or may be called by the State, on condition the defense will furnish counsel for the State with a similar list of all prospective defense witnesses. Hearing waived."

And this is all over the signature of Russell Sherman and F. Lee Bailey for and on behalf of the defendant.

The Court hereby overrules the motion.

Mr. Patrick, will you call the prospective panel, please.

THE BAILIFF: Yes, sir.

THE COURT: While the panel is being called, let the record further reflect that inside the bar railing in this courtroom is Mr. Patrick, the bailiff of this Court; Mr. Howard Reed, member of our County Clerk's office; Charles Crawley, a law clerk for this Court; Mr. Sam Ferguson, deputy sheriff; on my left, Counselor Lee Bailey; Counselor Russell Sherman; the defendant Sam H. Sheppard.

On my right in the second chair, Prosecuting Attorney John T. Corrigan, and Assistant Prosecuting Attorney Leo M. Spellacy; and Sergeant Harold Lockwood of the Cleveland Police Department; and the court reporter, Alfonso Romito.

All other persons having a concern in this case are seated behind the bar railing.

I may say to you ladies and gentlemen of the public, we have agreed with counselors that probably there will not be a recess this morning since we started late -- it is 10:40 -- it may be that a recess will develop, but that if this trial moves beyond today we will have recesses regularly to the extent that these proceedings and orderly handling thereof permit, at 10:30 a.m., and at 2:45 p.m.