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54/12/16 The Defense Rests

Cleveland Plain Dealer

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MSL

ACADEMIC ENDEAVORS

Murder Jury Hears Final Witnesses

Two witnesses—one for the defense, the other for the state—were heard today as the last testimony was given to the Dr. Sam jury.

Mrs. Mary Brown, a sister of Marilyn Sheppard's mother, who died when Marilyn was six years old, was the defense witness. She and her husband have visited Dr. Sam frequently in jail.

Chief Defense Counsel W. J. Corrigan questioned Mrs. Brown.

Q.: After her mother's death, did you see a great deal of Marilyn?

A.: I saw her very often.

Q.: Do you recall when she was young and kept company with Sam at high school?

A.: Yes, sir. They used to come to my house.

Q.: How would they come?

A.: On Bicycles.

Q.: And your association with these young people continued?

A.: Yes, for more than 15 years.

Q.: After Sam and Marilyn moved back to Cleveland in 1951, did they spend any time at your house?

Frequent Visitors

A.: Yes, very often they'd come to dinner, probably once a week.

Q.: And did you spend time at their house?

A.: Yes, a great deal.

Q.: Did you form an opinion about Sam and Marilyn and their regard for one another?

A.: Yes.

Q.: Give us your opinion.

A.: They were very, very much in love. They were very happy together.

Q.: In June did you leave the city?

A.: Yes, on June 21.

Q.: While you were away, did you get a letter?

A.: Yes, it was from Marilyn and written on June 30.

Q.: You live 23 miles from Sam and Marilyn's home?

A.: Yes.

Q.: You visited their home often and they visited yours?

A.: Yes, many times.

Q.: Were you present when there was some talk between Sam and Marilyn about smoking?

A.: Sam said that he would

buy Marilyn a fur coat if she would refrain from smoking.

After the letter was brought to the courtroom, Corrigan handed it to Mrs. Brown, who said that she recognized it as the letter she had received from Marilyn.

Corrigan began reading the letter and after a few sentences, said he was having too much difficulty with the handwriting. Mrs. Brown read it.

In the letter, Marilyn told the Browns that "you should be another aunt and uncle again soon. How's that for a bombshell bursting in the middle of your vacation?"

Dr. Sam began to cry as the reading of the letter progressed, finally losing control of himself, putting his head in his hands and shaking with his sobs. At the conclusion of the reading of the letter he dried his eyes and regained his composure.

Defense Rests

Associate Defense Counsel Fred Garmone then stood up and said:

"At this time the defendant, Samuel H. Sheppard, rests his case."

Sgt. Jay H. Hubach Called for Rebuttal

At 9:59 a. m., the state called as a rebuttal witness Sgt. Jay H. Hubach of the Bay Village police.

He told Assistant Prosecutor Saul Danaceau that he has been on the police force seven years, a sergeant 5½ years. He said he had known Sam Sheppard about two years and on occasion visited his home for personal visits.

Q.: What were some of those personal visits?

A.: We went water-skiing.

Q.: You were present in the Sheppard home on or about Nov. 11?

A.: Yes.

Q.: Who else was present?

A.: Dorothy and Richard Sheppard, Steve Sheppard and David Phillips, a friend of the Sheppard family.

Q.: It has been testified here that Dorothy Sheppard saw or found a key under a waste basket. Do you recall that?

A.: I recall the key, but not

under the waste basket.

Q.: Where is that waste basket?

A.: It is between the sink and a cupboard in the kitchen.

Q.: Did Dorothy point out the key to you?

A.: I don't recall whether she pointed it out to me or whether we saw it simultaneously.

Q.: Where was the key?

A.: In the open.

Q.: Was it under the basket?

A.: I didn't see it under the basket.

Q.: Who picked it up?

A.: I'm not positive whether I picked it up or whether she handed it to me.

Q.: You were in that home before Nov. 11, when a search was made in the kitchen, weren't you?

A.: Yes, the latter part of July, the 22d or 23d.

Q.: Who was the search made by?

A.: The police from the Cleveland laboratory.

Q.: Were you in the kitchen?

A.: Yes.

Q.: State whether that basket was moved during that search.

Basket Was Moved

A.: Yes. It was moved by Detective Elmer, I can't think of his last name, but he moved it to the center of the floor and dumped refuse into it.

Q.: Was the key under it at that time?

A.: No, sir.

Q.: It has been stated here that you suggested Dr. Sam Sheppard carry a gun?

A.: I do not recall ever saying that.

Q.: Did you talk to him about a gun?

A.: Yes, I explained to him the effect of carrying a gun. I told him of the carrying concealed weapons law and I said I did not know if it would apply to him. I said I did not know if his police surgeon commission would enable him to carry a gun in neighboring communities. I suggested he see his legal counsel about that.

Q.: Did you later see Dr. Sam with a gun on him?

A.: Yes, I did. It was in his

father's house.

Q.: Where did he carry the gun?

A.: In a holster on his belt.

Q.: Did you talk to him about it then?

A.: Yes. I told him that he should get some advice from his attorney about carrying that gun.

Q.: What did he say?

A.: He said he didn't care, he was going to carry it anyway.

Garmone Takes Over

That ended the direct examination of Sgt. Hubach and Attorney Garmone took over the cross-examination.

The witness admitted to Garmone that he was in the Sheppard home about a dozen times between July 4 and Nov. 11. He said he never at any of those times had touched the waste basket in the kitchen. He testified that the first time he saw the key it was one or two feet from the basket. The basket itself, he said, was full of litter and Mrs. Dorothy Sheppard had made some comment about emptying it because there was an odor in the house.

Q.: Was the key ever submitted to a ballistics expert?

A.: No.

Q.: Didn't you think it was important to do this at the time the key was found?

A.: No.

Found Cigaret Butt

On further questioning, Sgt. Hubach told of seeing a cigarette in the toilet bowl on the murder morning. (This is a point the defense has brought out several times.)

Q.: Did you do anything about it?

A.: No, sir.

Q.: Do you think that was good police investigation? (Objection—sustained.)

Here is the final bit of testimony in the case of The People of Ohio vs. Sam H. Sheppard.

Q.: During that acquaintance, you had occasion to observe Sam Sheppard?

A.: Yes, sir.

Q.: And he is a good man, is he not, sergeant? (Objection—sustained.)

Garmone: That is all.

Chief Assistant Prosecutor John Mahon: The State rests.



Defense Attorney Arthur E. Petersilge began Sam Sheppard's closing arguments today.



CLOSING defense witness was Mrs. Mary Brown, sister of murdered Marilyn Sheppard's mother and active supporter of her accused husband, Dr. Sam H. Sheppard.