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Mahon's Opening Statement Reviews Night of Murder

Following is a digest of Assistant County Prosecutor John J. Mahon's opening statement yesterday at the murder trial of Dr. Samuel H. Sheppard.

After reading the indictment, which Mahon pointed out was not evidence, he reviewed the events of the night preceding the murder (July 3).

The prosecutor told how Dr. Sheppard and his wife, Marilyn, with their seven-year-old son, "Chip," visited the home of neighbors, Mr. and Mrs. Don J. Ahern. Afterward the Aherns came to the Sheppard home and had dinner there.

With the others watching television, Mahon continued, Dr. Sam went to sleep on the couch.

Cites Attire

"The evidence will disclose that he had on then a white T-shirt, a pair of slacks and a corduroy jacket," the prosecutor related. "That's the way he was dressed."

"When Mrs. Sheppard became drowsy the Aherns left about 12:30 a. m. July 4, Mahon went on. Mrs. Ahern locked the door leading to the lake and then went out by the street door," he added.

Continuing his version of "what the evidence will show," Mahon related:

Shortly before 6 a. m. Bay Village Mayor and Mrs. J. Spencer Houk arrived at the Sheppard home in response to a telephone call from the defendant "that Marilyn had been killed." The Houks entered the street door, which was closed but not locked.

No Pulse Found

They first noticed the osteopath's medical kit overturned on the floor and Dr. Sam seated in a chair in his study, "mumbling something to them."

Mrs. Houk went to the upstairs bedroom and saw Marilyn's body—"the face and head covered with blood." Her pajamas were disarrayed. Mrs. Houk felt for a pulse, but could find none. When she informed her husband he summoned the Bay Village police and Dr. Richard N. Sheppard, Dr. Sam's brother.

At the time the defendant "had no clothing on above the waist." His trousers were wet. The drawers of the desk in the study had been pulled out, their contents scattered. But the contents of the drawers in a living room desk, also pulled out, "were not disturbed at all."

Stains Identified

In a conversation then with police Dr. Sam told them he heard his wife cry out and was "clobbered" shortly afterward when he ran up the stairs to her room. He complained to police of face and neck injuries.

Authorities could find no evidence that the home had been broken into. In a later search a small bag was found outside containing jewelry belonging to Dr. Sam.

Stains on the defendant's trousers were later identified as human blood. Technicians determined that some of the stains found on the stairway and in other parts of the house were also human blood, although not all the stains were identified.

Weapon Missing

"In the room where Marilyn was found there was no sign of a struggle at all," Mahon continued. "The only violence in

that room was the violence exerted on the body of Marilyn Sheppard.

"Nothing was missing in that room. The instrument used to beat Marilyn Sheppard was not found. The T-shirt Dr. Sheppard had been wearing was not found.

"The corduroy jacket he had been wearing was found neatly folded on the couch that morning."

Mahon then told "what the evidence will show" on the married life of the Sheppards:

While the osteopath was attending school in Los Angeles before 1951 "he had affairs with other women." Dr. Sam contemplated a divorce there, but "nothing resulted" and the couple returned to Cleveland.

Went to California

Here the osteopath "became infatuated" with Miss Susan L. Hayes, who worked at Bay View Hospital. Early this year he and his wife went to California. While Mrs. Sheppard took other lodgings Dr. Sam "lived" with Miss Hayes.

Back in Cleveland again, he corresponded with Miss Hayes "in the language of endearing terms." They had talked about "marriage and divorce."

"This defendant and Marilyn quarreled over his activities with other women," Mahon said. "That's the reason she was killed."

Tells of 25 Blows

A "reasonable interpretation" of the evidence would "point the finger of guilt at Sam Sheppard." The appearance of a burglary was arranged to deceive investigators, Mahon said in his conclusion.

Speaking of the "25 vicious blows" sustained by Marilyn, the prosecutor said: "A burglar just doesn't do that." He added that a burglar "wouldn't take the sweat shirt off a man's body and carry it away."

Mahon ended by again asking for a "reasonable interpretation" of the evidence.