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Defense Stresses How, Not Who, in Marilyn's Death

By ANDREW TULLY, Scripps-Howard Writer

One way to win a murder case is to get the jury hopelessly confused about the little details, and Sam Shepard's defense counsel is making a swell start.

When Dr. Sam's trial opened, it seemed a simple question of who beat his wife to death in her bed in the dark morning hours of the Fourth of July.

But Defense Chief William J. Corrigan now has got the jury involved in the maze of trying to find out HOW Marilyn Sheppard died.

The state claims Marilyn was killed by a series of 35 savage blows, 25 of them on the head. Corrigan, in his cross-examination of Deputy Coroner Lester Adelson, is trying to prove there were nowhere near that many blows struck.

Has Vital Point

This may seem like pointless hair-splitting, since everybody agrees Marilyn Sheppard did not die of old age. But Corrigan has a point most vital to the defense of his boyish, 30-year-old osteopath.

It goes back to Sam's story that he was awakened from a nap to hear his wife calling, "Sam, Sam!" He said he jumped up from his couch in the living room and bounded up the stairs, where he was "clobbered" by a bushy-haired intruder.

Now, then. The police have made tests which show it would take roughly 40 seconds for a person to deliver 35 such blows to a person on a bed. Additionally, a cop made the hasty trip from the living room couch to the Sheppard bedroom and was clocked in six seconds.

The prosecution claims these
tests punch Sam's story full of holes. It points out that Marilyn could not have cried out after the first couple of blows because she was unconscious. Therefore, the "intruder" would not have had time to strike the full 35 blows before Sam, as he says, bounded into the room.

That is why the wily Corrigan is seeking to give the impression that Marilyn was killed by blows from a many-pronged tool—say a garden cultivator or hand rake. An assailant wielding a tool with, say, five prongs would have to strike only seven times to make 35 wounds.

So, if 35 blows took 40 seconds, seven blows would take only one fifth as long—or about eight seconds. Thus, by Corrigan's theory, the attacker would have had plenty of time to finish his job—to inflict 35 wounds—before Sam arrived on the scene.

Stresses Distance

Corrigan has sought to strengthen this premise by pointing out that six wounds on Marilyn's forehead were exactly one inch apart. "You couldn't space them that accurately, no matter how much you tried," said Corrigan. "It just couldn't be a coincidence."

Corrigan thus far has failed to explain the several wounds on one side of the head—which were exactly one half inch apart.

Did the attacker switch weapons in mid-murder? It is all very confusing, and the seven men and five women on the jury are showing it by their baffled looks.