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54/11/08 Ahern Says Sam Wore T-Shirt

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The corduroy jacket Dr. Samuel H. Sheppard wore as he dozed on his downstairs couch at 12:30 a.m. July 4 was introduced in evidence late today at his trial for wife murder.

"That's the jacket," declared Don Ahern, friend and neighbor of Dr. Sam and his murdered wife, Marilyn. The brown garment which was found neatly folded on the couch after Dr. Sam reported his wife's death was shown to the jury that will decide his fate.

Dr. Sam sat stone-faced as Ahern told the jurors that the defendant was also wearing a white T-shirt when he fell asleep while watching a television movie titled "Strange Holiday."

There was no flicker of recognition or exchange of greetings as the friends acted out their assigned parts in the real life drama.

Dr. Sam and his four defense attorneys listened attentively to the first testimony about the T-shirt, which is a key point of the prosecution case.

The state contends that Dr. Sam got rid of the white undershirt because it was soaked with his wife's blood—and also disposed of the missing murder weapon.

Ahern, a tall, thin, gray-haired businessman, strode to the witness stand without glancing at Dr. Sam and matter-of-factly described what he knew of the last living hours of Marilyn Sheppard.

He told about what may have been Marilyn's last conversation with her seven-year-old son, Sam (Chip) Jr., who slept through her murder.

After being put to bed on the evening of July 3, the boy came downstairs, dressed in his pajamas.

"What did Chip do?" asked Assistant Prosecutor Saul S. Danaceau. A.: "He walked up to his mother and asked her something. I couldn't hear what he said, but she told him to go back upstairs."

Ahern and his wife, Nancy, who waited to follow him on the witness stand, spent July 3 visiting with the Sheppards. Since Marilyn's murder, they have told their story repeatedly to various investigators, at the inquest, and at bail hearings.

Ahern, an executive of the National Returnacar Co. and of Aircem of Northern Ohio, an industrial odor counteracting firm, told how he and his wife dined with Sam and Marilyn on the Sheppards' porch. The two Ahern children and Chip ate in the kitchen.

Later, Ahern took his own children home, and returned to join his wife and the Sheppards about 10:30 p.m. It was about this time that he saw Chip com-
SECOND STATE'S WITNESS, Don Ahern told the jury about Marilyn Sheppard's last evening alive.
ing down the stairs in his pajamas.

Dr. Sam's story is that he sprinted up those same stairs hours later in answer to his wife's cry for help.

Went Down to Beach

Ahern recalled that he and Sam had walked down to the Lake Erie beach, which was awash with heavy waves, that evening.

They also looked in at the upstairs rooms, Ahern said. He said there was no one else in the house but his own family and the three Sheppards.

Several Lights On

When he and his wife left about 12:30 a.m., Ahern said, there were several lights still burning in the Sheppard home.

He said Marilyn, like her husband, apparently had dozed off during the television show.

"We thought we could sneak out without waking her," he said, "but she awoke and went to the door on the Lake Rd. side with us."

Q.: That was the last time you saw her alive?
A.: Yes.

Ahern said the Sheppards were both in good spirits during the evening, and seemed fond of each other. Dr. Sam bit his lip when Ahern told how Marilyn had baked a berry pie for the dinner "especially for Sam."

Tells of Cuddling

One time during the evening, Ahern continued, Sam and Marilyn cuddled together in the same chair.

Chief Defense Counsel William J. Corrigan sought to turn the prosecution's second witness into a character refer-

ence for Dr. Sam in his cross-examination.

Dr. Sam, Ahern testified, "was a straightforward fellow—I enjoyed his company. He was a good friend of mine."

Q.: Was he a good, decent man?
A.: Yes.

Q.: Was he a hard-working fellow?
A.: Yes.

Dr. Sam kept whispering so many suggestions to Corrigan that the white-haired attorney instructed him to "write them down." The defendant covered a full page of a yellow legal pad with his thoughts.

Asked About Trip

Corrigan brought out that the Aherns and Sheppards had taken a week-end skiing trip to Pennsylvania, on which Sam and Marilyn "seemed to get along very well."

A week before Marilyn's death, Ahern said, Sam had cautioned his wife against smoking during a party at the Lakewood Country Club.

During the morning session, Dr. Sam astounded his courtroom audience by virtually taking command of his own defense during Corrigan's closing cross-examination of Dr. Lester Adelson, the deputy coroner who performed the July 4 autopsy on Mrs. Sheppard.
Dr. Sam Pleased

Dr. Sam and Corrigan patted each other on the back in apparent pleasure at the course of questioning of Dr. Adelson. This was during a recess which followed Corrigan's interrogation of Dr. Adelson about what he had done with Mrs. Sheppard's unborn child. Dr. Adelson said the four-month embryo was "in a jar of preservative" at the coroner's office.

Q.: The baby of Sam Sheppard is out there in the Morgue in a bottle, isn't it?


Corrigan injected a new note of mystery into the case by asking Dr. Adelson if a woman's footprint had been found on the sands of the Sheppard beach on the murder morning. Dr. Adelson said it had.

The line of questioning was not pursued, although the defense side hinted that the footprint might suggest "a woman accomplice of the real killer."

Explains Tests

When Prosecutor John J. Mahon took Dr. Adelson for redirect examination, he had the deputy coroner explain why no toxicologist test had been made to determine if Mrs. Sheppard had been poisoned. "She died because she was beaten to death," he testified. That seemed so obvious, he said, that many other possible examinations suggested by Corrigan were not considered necessary.

Dr. Sam fired a running stream of suggestions at Corrigan as the white-haired defense chief sought to discredit the prosecution's lead-off witness.

The defendant's brother, Dr. Stephen Sheppard, joined the fray. He moved to the counsel table to confer with William H. Corrigan, the chief counsel's son.

When Assistant Prosecutor Thomas Parrino protested, young Corrigan and Dr. Stephen went together to a back bench. Dr. Stephen wrote out several questions, including: "Was she sexually assaulted?"

Bay Village Mayor J. Spencer Houk, one-time close friend expected to testify tomorrow.

At one point, while Corrigan was quizzing Dr. Adelson, Dr. Sam moved to another chair at the defense table and whispered into the ear of Fred W.
Garmone, associate counsel.

It was plain that the defendant was calling the signals as Corrigan continued for the second day's cross-examination of Dr. Adelson in trying to prove:

THAT THE AUTOPISTY was sloppy and inadequate.

THAT THE DEPUTY CORONER didn't know what he was talking about.

THAT NUMEROUS POSSIBILITIES—such as that Mrs. Sheppard may have choked to death, that each of her 35 wounds might not have been caused by a separate blow of the missing murder weapon, and others—had not been investigated by Dr. Adelson.

**Judge Interrupts**

Judge Edward Blythlin interrupted when Corrigan tossed in a question he asked last Friday—"Did you hear a story that the doctor went crazy when he discovered his wife was pregnant and killed her?"—and quoted only a portion of Dr. Adelson's reply that he had not.

Blythlin said this technique was "unfair."

Corrigan demanded an apology.

Blythlin refused to withdraw his comment.

**Dr. Sam Satisfied**

As the trial entered its fourth week, Dr. Sam expressed complete satisfaction with the manner in which Corrigan is conducting his case.

He gave his chief advocate numerous brief explanations of such medical matters as how a spinal tap is made and how a head is sawed open in surgery.

Dr. Sam showed great interest but little emotion as the wife he described as "the only woman I ever loved or will love" was verbally dissected in the vigorous cross-examination.

Houk, one-time close friend of Dr. Sam, will be the next witness after the Aherns. He is not expected to testify until tomorrow.
When had the jacket he wore been cleaned?

Q. When was the removal of smoke odors decided on?

A. Yes

Q. What did you do after you went upstairs?

A. I returned there a little later.

Q. What did you do then?

A. We turned on the TV and listened to the big game.

Q. At any time, that evening, did you witness or overhear anything that suggested the presence of a punching bag?

Q. Do you recall the place of the removal of smoke odors?

A. Yes. I sat on the west side of the porch, near the west entrance door.

Q. What was the time that you returned there?

A. 11:30.

Q. Did you do anything further?

A. No.

Q. Was there any talk about going upstairs?

A. There was some talk before the film started about going to the movies. The women suggested the movies but I thought it was a bit too late and it was decided not to go.

Q. Who turned on the television?

A. I did.

Q. How long did the television stay on?

A. It was on until after the game.

Q. After the children were put to bed, where did you and Mrs. Shepards sit?

A. I sat on the west side of the porch, near the lake.
Q.: Had you received a call before that?

**Mayor Houk Called**
A.: Yes, Mayor Houk called shortly after 6.

**Q.: What did you do at the Sheppard house?**  A.: I walked down the landing to the beaver but was advised not to walk on the beach. Danaceau introduced state's exhibit No. 7, a brown jacket. He showed it to Ahern and asked if he would like to test it.

**Q.: Can you identify this jacket, sir?**  A.: Yes, sir. That's the jacket that Dr. Sheppard was wearing on the evening of July 3.
This ended direct examination of Ahern and Defense Lawyer W. J. Corrigan began cross-examination:

**Q.: When you go down on the beach, can you walk along the beach over to Huntington Park, can you not?**  A.: Yes, sir.
**Q.: Huntington Park is an open plot of land fronting on Lake Rd. and accessible to anyone who wants in there, is it not?**  A.: Yes, sir.  Ahern testified that in February of 1953, Sam and his wife were staying at a large house near Huntington Park.

**Q.: Did you know that Marilyn, my wife and I, were staying in the same house?**  A.: Yes, I learned that about a week before.

**Q.: Do you recall seeing a white canoe at your property?**  A.: Yes, I have seen Sam go to the shore, tie his canoe to the tree, and go swimming.
**Q.: Do you recall seeing Sam playing with other children?**  A.: Yes, I recall seeing Sam, his brother, and his friends playing with other children.

**Q.: Do you know the reason why Sam was in the Sheppard home?**  A.: Yes. At 12:05, Sam Sheppard was asleep.

**Q.: Was this a week before July 4?**  A.: Yes.
**Q.: What sport did Sam play in the Sheppard home?**  A.: Yes. I recall that Sam Sheppard was asleep.

**Q.: In the time that you knew Sam Sheppard did you have an opportunity to observe the kind of fellow he was?**  A.: Yes, he was a straightforward fellow. I enjoyed his company. He was a good friend of mine.

**Q.: Was he a good, decent fellow?**  A.: Yes.
**Q.: Was he a hard-working fellow?**  A.: Yes.
**Q.: You said that when you left the house at 12:39, Sam Sheppard was asleep?**  A.: Yes.

**Q.: Did that strike you as strange? That host at this party should fall asleep?**  A.: No.
**Q.: To explain that answer. I have seen Sam go to sleep many times at our house and at his house.**  A.: Yes.

**Q.: Do you know the reason that Sam would fall asleep at your house and at his home in the middle of a party?**  A.: It was unusual.
**Q.: It is a fact that Sam was a good sleeper?**  A.: Yes. An objection by the prosecution was sustained.

**Q.: Is it characteristic of Sam to go to sleep in the middle of a party?**  A.: It was unusual.
**Q.: Is it a fact that Sam worked hard and slept hard?**  A.: An objection by the prosecution was sustained.

**Rapped by Judge**
Another objection by the prosecution was sustained by Judge Blythin. Corrigan began dictating an exception to the court stenographer. He spoke so loudly that Prosecutor Maresh protested. Judge Blythin asked Corrigan to speak in a soft tone of voice to the court reporter so the jurors could not hear his remarks.

**Q.: Isn't it a fact that Sam's falling asleep on July 3 caused no objection in your mind?**  A.: Yes.

**Q.: Other times, Marilyn would lend you the skis and Sam would operate the boat?**  A.: Yes.
**Q.: Another sport you played together was basketball?**  A.: Yes.
**Q.: Did you notice boys and girls using the Sheppard boat?**  A.: Yes, I did.
**Q.: Were some of these boys and girls allowed to water ski off the beach?**  A.: Yes.
**Q.: Who would operate the boat for these children?**  A.: As a rule, Sam Sheppard would.

**Q.: You mean that he would pull them into the kids of the neighborhood on their skis?**  A.: Yes.

**Q.: In the time that you knew Sam Sheppard did you have an opportunity to observe the kind of fellow he was?**  A.: Yes, he was a straight-forward fellow. I enjoyed his company. He was a good friend of mine.

**Q.: Was he a good, decent fellow?**  A.: Yes.
**Q.: Was he a hard-working fellow?**  A.: Yes.

**Q.: You said that when you left the house at 12:39, Sam Sheppard was asleep?**  A.: Yes.

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**Q.: Is it characteristic of Sam to go to sleep in the middle of a party?**  A.: It was unusual.
**Q.: Is it a fact that Sam was a good sleeper?**  A.: Yes. An objection by the prosecution was sustained.

**Q.: Is it a fact that he worked hard and slept hard?**  A.: An objection by the prosecution was sustained.
Following is a resume of Dr. Adelson's final testimony prior to the noon recess.

Corrigan sparred with Dr. Adelson on the performance of the autopsy as it related to the brain and the hemorrhages that were reported in the autopsy report. At several points Adelson, confronted with a demand for a yes or no answer, said that he just couldn't answer the question that way.

**Dr. Sam Pained**

When Adelson described how he sawed the top off of Marilyn's head, Dr. Sam closed his eyes and clenched his hands beneath his chin, refusing to look at the witness. This occurred several times when Corrigan mentioned, "Now Mrs. Sheppard's body was lying down," and Adelson replied, "Yes, face up."

Q.: You are familiar with a spinal puncture, doctor, are you not?

A.: Yes, sir.

Q.: In that operation you puncture the back through—

( Corrigan turned to Dr. Sam "What is that, the cerebrum, doctor?" he asked Sam. He had a 30-second conference with Sam before finishing his question.)

Q.: You can puncture in and draw off fluid and determine the number of blood corpuscles that appear in it, can you not?

A.: Yes.

As Corrigan continued questioning Dr. Adelson, Dr. Sam moved up from his chair to the chair beside Associate Defense Counsel Fred Garmone and started dictating to Garmone.
Q: Did you say that scrapings from Marilyn Sheppard's fingernails were submitted to a microscopic examination?
A.: Scrapings were given to someone else for this examination.

Q.: Didn't you try to discover if there was skin or blood that might have come from scratches inflicted by Marilyn Sheppard on the man who attacked her?
A.: It was not part of my work to do this. It was done by others.

Q.: You did not make the microscopic examination of the nail findings because you had been told when Marilyn Sheppard's body was brought in that Dr. Sam Sheppard had murdered his wife and there was no use of looking for anything else?
A.: My only knowledge of the case at that time was that Mrs. Sheppard had been killed. That her husband had been hurt and was in the hospital. I had heard of nothing that would implicate Dr. Sam Sheppard in any way.

Corrigan then went back to a meeting of July 16 in the coroner's office of the coroner and police officers.

Q.: At that meeting, all the things that had been gathered in this case were laid out, weren't they?
A.: Yes.

(At this point Dr. Steve Sheppard came up to the trial table and talked to defense lawyers. Parrino leaped to his feet and shouted “Object:” Dr. Steve returned to the visitors' section in the back of the courtroom.

Q.: At the July 16 meeting, did you see something of a woman's foot imprint in the sand?
A.: There was a picture, I believe. (No further mention or
Ahern Describes July 3 Visit With Sam and Marilyn

WAITING FOR PROSECUTOR to appear in court and get the fourth week of the Sheppard trial under way today, Dr. Sam Sheppard sat quietly with his chief counsel, William J. Corrigan.

questioning was made of the woman's foot print.)
Corrigan and Dr. Adelson got into an argument over a question and answer during last week's testimony. The question was this: "Did you hear a story that the doctor went crazy when he discovered that his wife was pregnant and killed her?"

Corrigan had obtained a copy of the transcript of the testimony last week and read to Adelson his answer. In reading the answer, the prosecution claimed today that Corrigan did not read the entire answer. Evidently Judge Blythin thought so, because he said, "It is unfair to this witness to ask him a question and then read back to him only one-half of his answer."

Corrigan and the judge then got into an argument.

Corrigan said, "I take exception to the statement that I am not being fair in my questions and I ask the court to withdraw his statement."

Blythin said, "I will not withdraw any statement to the effect that you repeat only part of the answer. That is not fair."

Corrigan's cross-examination of Dr. Adelson ended a few minutes later and chief assistant Prosecutor John Mahon asked more questions on direct examination.

Mahon's questions brought out that Dr. Adelson had conducted tests which proved that Marilyn Sheppard had not been sexually attacked by her killer.

Q.: You were asked why you did not make an analysis of the stomach to determine if poison was present and you said you had not. It there any reason why you should make that test?

A.: As a result of our examination we determined that she had sustained a number of violent blows, resulting in sufficient injury to cause death. It also showed she was alive when struck because of the hemorrhages.

(Continued)