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54/12/16 Sam, Jury Weep At Plea

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SAM, JURY WEEP AT PLEA

Two white-haired legal adversaries fought their final courtroom contest today for the life or death of Dr. Samuel H. Sheppard.

Chief Defense Counsel William J. Corrigan thundered a vehement denunciation of Cleveland newspapers and public officials.

Assistant Prosecutor John J. Mahon shouted that Dr. Sam had been proven guilty of a "foul act"—that he "pounded the life out of a young woman on her bed."

And for that act, Mahon declared, the laws of Ohio demand punishment.

He said the state has proved that Marilyn Reese Sheppard was deliberately, intentionally and brutally murdered by her husband on July 4. The penalty for

first-degree murder is death in the electric chair.

Mahon said Dr. Sam suffered his injuries when he went down to the beach, "pursued by his own conscience," possibly to commit suicide.

The small courtroom was charged with emotion as the nine-week trial neared its finale.

Judge Edward Blythin will hand the case to the seven-man, five-woman jury for decision tomorrow morning.

Dr. Sam, his brothers and sisters-in-law and several members of the jury wept as Associate Defense Counsel Fred W. Garmone pleaded for a quick acquittal.

Mahon's voice was vibrant with emotion as he pointed repeatedly at the defendant, shouting the accusation that Dr. Sam had planted false clews and laid

down a smoke screen defense to escape punishment for killing the wife who loved him.

The defense counsel, Mahon said, had talked about everything but the fact that Dr. Sam was alone in the murder home with the victim and his sleeping son, Sam (Chip) Jr.

"Who else was there to do it?" Mahon demanded.

Corrigan concluded his appeal for Dr. Sam's freedom by quoting the osteopath's words:

"Marilyn is with me now. . . . That's why I can withstand this ordeal."

And he quoted from a letter Dr. Sam wrote to him (Corrigan):

"There is only one Judge any of us should truly fear

—and I face Him without apprehension. I am completely free of any desire for revenge. I have no anger in my heart. . . ."

Corrigan begged the jurors to forgive his own courtroom tactics, and not hold them against the defendant.

He reminded them of the Christmas season, said he had not brought Sam's son into the courtroom because he wanted justice—not sympathy, and asked them to show the people of the world that "the Constitution still lives in Cuyahoga County."

Far from being the vicious killer portrayed by the prosecution, Corrigan said, Dr. Sam is the innocent victim of a savage attack on the constitutional rights

Dr. Sam and Jurors in Tears During Final Plea by Corrigan

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of every member of the community.

"Sam loved his wife!" Corrigan roared.

He brushed aside the osteopath's admitted affairs with other women with: "The fact that Sam Sheppard strayed is no proof that he did not love his wife, his child and his home."

Corrigan said Dr. Sam had been brought to trial because public officials yielded to newspaper pressure.

He accused The Press of unfairness to Dr. Sam "to sell newspapers."

Standing directly beside Dr. Sam, Corrigan dramatically held the defendant's hands up before the jury.

He scored the prosecution claim that Dr. Sam, after devoting a day to saving lives as a physician, had brutally battered Marilyn Reese Sheppard to death "with these hands."

"With these beautiful hands," Corrigan said, "hands that worked over the sick and wounded, hands trained to cure and not to kill—Do you believe it?"

Assistant Prosecutor Saul S. Danaceau leaped to his feet to protest when Corrigan shouted that a "hostile mob" had threatened the Sheppard family at the inquest conducted by Coroner Samuel R. Gerber at the Normandy School in Bay Village.

"I was thrown out," Corrigan said.

"There is no evidence of any mob moving," Danaceau retorted. "I was there. I know. . . . You created a disturbance."

"I was thrown out," Corrigan repeated. "But I can't be thrown out of this courtroom."

"You could be if you would do the same things here," Danaceau replied.

Papers Not on Trial

Later, Danaceau, beginning the state's rebuttal, declared that Dr. Sam Sheppard—not the newspapers, the police or Dr. Gerber—was the defendant on trial for murder.

He said the Constitution includes a guarantee of freedom of the press, and The Press had only voiced the sentiments of the entire community when it demanded that a vicious murder be solved.

Tears came into Danaceau's eyes as he told the jurors: "Murder is murder, and if you think we manufactured this case for publicity, acquit this man immediately."

Danaceau said Dr. Sam was not on trial for his relations with "other women"—but this evidence had been introduced to explain the background for murder. The prosecutor said his own wife "would have broken my neck" if "I was doing the things that Dr. Sam was doing."

Corrigan accused Mahon of leaping into the murder investigation on July 7 because he was then a candidate for Common Pleas judge—which office he won in last month's election.

"There was publicity!" the defense counsel taunted.

Wants Justice Done

Mahon replied that he had been nominated for a judgeship long before the murder of Marilyn Sheppard, and his sole interest in the case was to have justice done.

He stepped into the case on July 7, he said, "to find out why there was no action" by the suburban Bay Village police force.

"A life had been taken," Mahon said. "We wanted to know the answer."

Dr. Sam was arrested July 30—after the Bay Village City Council had turned the investigation over to the Cleveland homicide squad.

Paints Sam as Victim

Corrigan held the jurors spellbound—one man chewing gum vigorously, the others leaning forward in their seats—as he pictured Dr. Sam as the tragic victim of circulation hungry newspapers, publicity minded authorities, bungling and incompetent police and popular hysteria.

"Sometimes," he said, "I think this trial has been sort of a dream that I have been living in. I ask myself, could it happen here? Could it happen to this young man?"

He waved his arms at newspapermen covering the trial. "Write this if you want to," he shouted, and told them that their newspapers had reported the proceedings with "lurid headlines, misleading headlines" that the jurors must have seen.

Corrigan asked the jurors to abide by their oath to decide the case only on evidence heard in the courtroom.

Sneers at Police

"God help anyone in this community if he had to depend on the Police Department to provide protection under the Constitution," he said. "And God help Sam Sheppard if he didn't have a lawyer who would come into court and fight for him!"

Corrigan challenged the pros-

ecution assertion that Dr. Sam could not be believed because he had lied under oath at the inquest about his relations with Miss Hayes.

"I'd lie under oath, too," Corrigan said, "and so would you"—jabbing his fingers at the jurors—rather than confess "private sins" before a hostile audience of 500 people.

He accused the Cleveland police, Dr. Gerber and the prosecutors of refusing to "admit

their mistake" in concluding that Dr. Sam was guilty, and attempting to force a confession from him, rather than pursuing the trail of "the real killer."

Their final arguments climaxed long legal careers for both 67-year-old Corrigan and 64-year-old Mahon.

Mahon, making his hundredth and last plea for a first-degree murder conviction, said he had never before encount-

ered so clever and "cunning" a defendant in 22 years as a prosecutor.

Already sworn in as a Common Pleas judge, Mahon will leave the prosecutor's office after the case is decided.

Corrigan's final argument was the supreme test of his ability to convince the jurors that Dr. Sam's story of a bushy-haired intruder murdering Marilyn Sheppard was true, and the state's theory that he

killed her himself was false.

Garmone disposed of Dr. Sam's affair with Susan Hayes with the biblical quotation: "Let him who is innocent cast the first stone."

He brought sobs from Dr. Sam and moisture to the eyes of his two brothers and sisters-in-law in the courtroom—Dr. and Mrs. Richard N. and Dr. and Mrs. Stephen Sheppard—by praising their family loyalty.

Garmone begged the jurors

to permit Dr. Sam to "continue to do the many good deeds that people have testified that he has done in his young 31 years."

Tears came into the eyes of

four members of the jury—three women and a man—as Garmone concluded his appeal for acquittal with, "May the Lord guide you and bless you. Thank you."