11-4-1954

54/11/04 Sheppard Lawyer Addresses Jury

Cleveland Press

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Sheppard Lawyer Addresses Jury

At 11 a.m. Attorney Garmone began the opening statement for the defense.

"We are engaged in the trial of a case where the stakes are too great for you and I, the stakes are too great for anyone on the defense side, the stakes are too great for the State of Ohio, to permit ourselves some personal preconceived ideas or conclusions until you learn all of the facts that transpired on July the 4th.

"We are contesting a matter that involves the taking of a life. Through the education you received during the many days of impaneling the jury, you accepted your oath to take your seat and play fair. There was much time spent in the opening statement by the State of Ohio suggesting that, by reasonable conjecture or reasonable inference, the finger of guilt would point to Sam Sheppard.

Cautions Jurors

"In the statement you just heard there was revealed to you that there were some wounds in and about the head of Marilyn Sheppard. I want you to remember that statement specifically, that it was stated to you that there were 25 blows on the forehead of the back of the skull."

(Mahon interrupted and said he didn't say that and Corrigan said he did, too, and the judge said we don't have to argue about that now. Corrigan said look at the record. Mahon said: "I said above the forehead." Garmone said: "I didn't interrupt Mr. Mahon and I'd like to continue uninterrupted.")

"As the facts unravel themselves, you will be given proper proof that the last four months of the married life of Marilyn and Sam Sheppard were the happiest.

Tells About House

"In support of that testimony the facts will disclose that Dr. Sam Sheppard entered into a contract to purchase the home you viewed yesterday and that home was not placed in the name of Sam Sheppard, not in the name of Sam Sheppard and Marilyn Sheppard jointly, but placed in the name of Marilyn Sheppard."

"In that direction, in addition to the home, proof will be offered that this man took on a heavy financial load of two policies, totaling $20,000, on his life. His beneficiaries are Marilyn Sheppard and his son, Chip."
In addition, he entered into a contract with an insurance company that should anything happen to Dr. Sam Sheppard, that Marilyn and Chip be provided with $3600 per year for 17 years, thus protecting Marilyn and seeing that Chip got the education he deserved.

"They say to you that they will show testimony about Sam Sheppard's activities with other women. You in your acceptance of the responsibility of jurors in this matter, said to Sam Sheppard that you would not permit yourselves to become prejudiced or have any ill feeling toward him because of that portion or chapter in Sam Sheppard's life.

"They talk about Sam Sheppard discussing divorce with Marilyn. They talk about Sam Sheppard discussing divorce with Sue Hayes. You, ladies and gentlemen, pay particular attention to that phase of the testimony and determine, not from any conjecture or any inferences they want you to draw, but on the word of witnesses who will tell you the truth in that regard.

"They talk about illicit affairs that Sam was supposed to have had. We will offer evidence that when Sam Sheppard received his salary checks, that Sam endorsed these checks and turned them over to Marilyn. She took them to the bank, keeping out what she would need to run the home and to provide for Chip, and placed the balance in Sam's account.

"Does that kind of testimony, with the home in Marilyn's name, with the insurance obligations, does that add up to murder?"

(Mahon interrupted: "This should be an opening statement, not an argument, your honor." Judge Blythin: "This is an opening statement but that is touching on argument.")

Garmon e resumed: "We get down to the month of March. That was the month the new baby was conceived. Marilyn notified her stepmother, Mrs. Reese. But she requested that Mrs. Reese not mention this to her dad. She herself wanted to tell him in person about the forthcoming event and her condition at the time.

"The evidence will show that..."
both Sam and Marilyn notified many relatives and that the attention of many of their friends was called to the fact that Marilyn was to have another child.

Mentions Gentle Nature

“As we unravel the testimony that will come to you regarding this tragedy, you will find every person called on to testify on behalf of the defense, or those to testify on behalf of the State of Ohio, that Sam Sheppard was a man who possessed a gentle nature.

“As this picture is unfolded there will be no person whose testimony will dispute that the man who possesses the nature this man does, can have the finger of first degree murder pointed at him. We will, by proper proof, show you that without any doubt in his 31 years Sam Sheppard was a man who devoted his life to saving life, not a man who would take life from anyone.

“Evidence will be offered that there has been some human derelictions in Sam’s life. In connection with that, we will by proof satisfy you that he loved Marilyn Sheppard with great tenderness.

“We will offer on that subject testimony—regardless of what may be said by Susan Hayes, or any other person brought into this courtroom—that there was tenderness in the love Sam Sheppard had for his wife, Marilyn.

“We ask you to wait until you hear all of that testimony because there will be some dis­tressing circumstances in connection with the revolting injuries to Marilyn Sheppard. We do not deny that these injuries to Marilyn were revolting.
Recalls Party

“We will prove by testimony that on Friday, before July 4, there was a party at Dr. Stephen Sheppard’s home. It was attended by the entire Sheppard family, including Marilyn and Sam. The party was arranged so there could be a formal announcement made in the presence of the entire family.

“We will offer testimony that, at that event as the evening wore on it was decided by both Marilyn and Sam that if the new baby would be a boy it would be named Stephen Allen after Sam’s brother, Stephen, who had a short time prior lost a child.

“We will have testimony that will show that on this Friday afternoon before the party that Marilyn Sheppard had shopped and brought in groceries in preparation for a party arranged by Marilyn and Sam for the Fourth of July. This was to be a sort of picnic on the grounds. They had invited some of the young internes stationed at Bay View Hospital.

“The evidence will show that this party was not a myth. We will submit proof direct that Marilyn had shopped and brought in wieners, cold cuts and beverages and other things making up the party fare. This party was to entertain not only Sam’s friends from the hospital, but also Marilyn’s whom she had personally contacted and asked to come.”
"We come to the evening of July 3, 1954. Sam and Marilyn had invited the Aherns to supper, following the early evening spent at the Ahern home.

"While they were at home with the Aherns, a telephone call had come requesting that Sam return to the hospital to attend to an emergency case. Evidence will disclose that Sam left the home of Mr. and Mrs. Ahern, went to the hospital and spent some time there before returning to the Ahern home.

"After Sam came back, he, Mr. and Mrs. Ahern and their youngsters, went with him to the Sheppard house.

**Visit to Basement**

"Prior to the time supper was served, evidence will disclose that either Mr. or Mrs. Ahern asked Sam to show their youngsters how to punch the bag. Mr. Ahern, Sam Sheppard, Chip and the Ahern children went to the basement. Sam rigged up something, a basket, so that the children could reach the bag. They were downstairs 10 or 12 minutes with Sam showing the children what he knew about punching the bag, and the children taking turns trying to punch it.

"After they had come back from out of the cellar, the youngsters were served in the kitchen and the Aherns and Mr. and Mrs. Sheppard went out on the porch and had their meal. Afterward they all came inside.

**Mentions Frame of Mind**

"As described by Mr. Mahon, Mrs. Sheppard and Mrs. Ahern cleaned up the dishes after supper. Then they all sat around the living room and there will

Continued on Page 25."
Continued From Page 2.2

come from the Aherns testi-
mony that throughout the en-
tire evening the relationship
between Marilyn and Sam was very
friendly. "There will come to you tes-
timony by Mrs. Ahern that
prior to leaving the Sheppard
home, and this will help you
picture the frame of mind of
Sam Sheppard and show you
that he
was
a person of gentle
nature. Mrs. Ahern will tell
you that Sam and Marilyn
shared the same chair and
showed affection for each
other and she will say it was
a happy evening for all.
"That, after they conversed a
while. Sam went over to the
couch in the living room. We
will show by proof leading up
to the events that Dr. Sheppard
had had an exacting day at the
hospital. That after visiting a
while, he went over to the
couch and went to sleep.
"We will show that it is not
unusual for him to fall asleep
on company in his own home
or in homes where he had been
a guest.
"All the evidence in
that
direc-
tion will show that this
wasn't a sleep that was just
dozing off. Mr. and Mrs. Ahern
will testify that he was sound
asleep. Now Mr. Mahon stated
that the door to the porch had
been closed by Mrs. Ahern be-
fore they left. We will offer
testimony that will not dispute
Mrs. Ahern's testimony of clos-
ing the door but we will show
that before she left the home
she was without knowledge
as
to whether the door had been
reopened after she closed it.
We don't dispute that she
closed it.
"I want you to remem-
ber what I have said
in
relation
to this door closing.
"After the Aherns had left
and Sam was asleep on the
couch, some time during the
early morning of July 4, Sam
was aroused by what he
thought was a call from
Marilyn. He went upstairs, went
into the bedroom or started into
the bedroom, when he was
struck and rendered uncon-
scious.
"After he had collected him-
self and the evidence will show
that he was still dazed, he went
up and made an observation of
Marilyn's body. At that point
there came a flash through his
mind that sent him into the
room
of
his
son
Chip to see
if
anyth-
ing had happened there.
While he was in Chip's room
he heard a noise and started
downstairs. He saw a figure of
a person going through the
door and onto the porch. He
pursued that person, that fig-
ure.
"Now, keep in mind that it
was still dark. The day had
not begun to break. Dr. Sheppard
pursued that figure down the
steps which you went down
yesterday and out onto the be-
ach where another struggle
occurred.
"Sam was again rendered
unconscious, but when he
re-
ered himself found himself with
his feet pointing toward the lake
and his head pointing toward
the road. The conditions of the
beach that you saw yesterday
were on July 4. Our evidence
will show that on July 4
there was 10 to 12 feet of
sand so that a person could walk on
the beach, Sam gathered
himself up, he'll be described as
wallowing in the water, he
went back up the steps into
the home.
Tells of Examination

“He was in a dazed condition. He went to the bedroom where Marilyn’s body was found. He then, with the intuition of a man of his training, felt and examined her to see her actual condition. He gave her a pulse examination that made it necessary for him to touch her body.

It was the kind of examination where he had to touch not only the arm and the hand, but the throat and upper part of the body.

“Yes, there was much blood in the room, much blood.

“After he had performed the things I just described, he walked out in a daze and then he called the Houks. We will supply proof that when the Houks arrived there was a
said that the door was closed. We will offer evidence that the door was closed but not locked. All the Houks had to do was to turn the knob and walk in. They didn't have to knock or use a key or tear the door down."

Quotes Houk

"We shall try to supply proof that when the Houks walked in, Mayor Houk went to the living room and then saw Sam in the study. He went in the study. Houk did not go upstairs. He said to Sam, 'What happened? Tell me about it.'

"After Mrs. Houk had gone upstairs she came down and said, 'My God, Spence, call somebody, call everybody. Something terrible has happened."

"I will not in my opening statement attempt to tell you about this scene. We will wait to see if Mayor Houk is called as a witness to describe that scene. The mayor called the Police Department of Bay after his wife's request and you will be given testimony that no more than five minutes elapsed before the Bay Village Police and Fire Department arrived."

"After police and fire department arrived, many people were permitted to go in and out of the house. Not to protect a man accused of first degree murder but people were allowed in and around, up and down, and into every room. This evidence will come to you with no thought in mind of the right of justice of a person guaranteed under our Constitution."

"We will then prove by proper testimony that after police and fire department arrived, that a short time thereafter, contrary to some of the things that have been said, members of Inspector McArthur's department, named Schottke and Gareau from the Homicide Squad, came upon the scene."

"As we unravel events leading up to this tragedy, we come to the scene where Sam Sheppard was removed by Dr. Steve, assisted by Dr. Carver, and in the company of Mrs. Steve Sheppard."

"Evidence will show that this removal was not an instrument used to whisk him away but that Dr. Steve had said to Chief Eaton 'I'm preparing to take Sam to the hospital.' And that's what we'll show on that subject."

"At the hospital Sam was undressed. We will show through disinterested people who are not members of the Sheppard family and offer for your consideration that these clothes were taken off him not by his father or brother or any other doctor but by a nurse, who at that time had no knowledge that there had come to the Sheppard home this great tragedy, this tragedy that he is now on trial for, this tragedy that the state asks his life for."
Tells of X-Rays

"He then was taken to the X-ray room. This is most important. We will give you testimony of an X-ray technician who was not immediately present but had been called. She attended this young man in the X-ray room and not in the presence of any member of the Sheppard family. Her testimony will come to you directly where it won't be necessary for you to draw a conjecture, or an inference upon inference. She will say that Sam, in his dazed condition, kept repeating "I tried to get to Marilyn! I tried to get to Marilyn!"

"We will show that Sam was not talking from a mind free of any cobwebs. From a mind that was coherent. He was dazed and incoherent. And the statements came from a mind that was subconscious."

(At this point the state objected that this was argument. And Judge Blyth in said: "This is somewhat argument.")

Discounts Wall Story

"Much will be said and has been said about a wall that was built around this young man. We will show that officers Schottke and Gareau, members of the Cleveland Police Department, took a statement from Dr. Sam on the morning of July 4. They interrogated Samuel Sheppard shortly after he was removed to the hospital. They interrogated him not in the presence of Petersilge or Corrigan or any member of his family. Our evidence will show that when Dr. Sam was asked whether he could be questioned by these police officers he made no objections. He said, "I want to cooperate to the fullest extent."

"These same officers came back on the afternoon of July 4 and questioned Dr. Sam for an hour or more. Schottke and Gareau were called by Bay police and that their arrival in this case was not days after, not hours after, but a short time after Sam Sheppard had been taken to the hospital. There was no mythical wall built around Dr. Sam.

"He offered his complete cooperation to the best of his ability. Sam was examined at the police department by doctors called in through the coroner's office. I will not speculate on his testimony but if Dr. Hexter is called accept his testimony, wait, give it the credence that the court says it is entitled to, and then decide if there is a reasonable con
Dr. Sheppard's Attorney Gives His Opening Address to the Jury

jecture, or reasonable inference, as to what was this man's condition.

"Remember, Dr. Hexter was called by the coroner's office.

Dwells on Injuries

"In regard to the medical testimony, we will offer proof that Sam Sheppard was seriously injured. One side of his face was battered. We will offer proof that Sam Sheppard's spinal cord was injured. You will have that to consider when this unfolding is completed within these four walls.

"We will prove by testimony and statements of witnesses that this man was not afforded the kind of investigation that citizens should be afforded.

Relates Police Action

"We will give you evidence that Officers Schottke and Gareau spent much time with him, without a knowledge of the descriptive condition of Marilyn's body, and without the knowledge of information that officers should have, after which Schottke said to Dr. Sheppard:

"I do not know what you think of it, Chief Eaton, but you can close your investigation right here. Now is your man.'

"Then what happened? The Cleveland Police Department backed away from the case. The Cleveland police came in at a later date after creation of great hysteria in the newspapers and on radio. And they knew no more after they got back into the case. And evidence will disclose to you to