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## 54/11/04 Calls Dr. Sam Love Slayer, Asks Death

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# **CALLS DR. SAM LOVE SLAYER, ASKS DEATH**

# State Shows Color Photos Of Wounds

## BULLETIN

Dr. Samuel H. Sheppard burst into convulsive sobs late today in the darkened courtroom as color slides of the battered head of his wife were flashed on a screen in front of the jury. Dr. Sam was seated against a wall of the courtroom behind the screen and could not see the pictures.

### BY HOWARD BEAUFAIT

Susan Hayes and other women were the reason Dr. Samuel H. Sheppard brutally murdered his pregnant wife.

That was the charge made today by Assistant County Prosecutor John J. Mahon in giving the jury a preview of what the state will seek to prove at the trial of the Bay Village osteopath.

In an hour-long, calm and dispassionate review of the crime, Prosecutor Mahon said:

"Dr. Sam Sheppard and Susan Hayes corresponded and talked together about divorce and marriage. Susan had been instructed not to send mail to Bay View Hospital where Sam was practicing, but to send it to his clinic on Lorain Rd., in Fairview Park.

"The evidence will show that this defendant and Marilyn Sheppard quarrelled about his infatuation with other women—and that's the reason she was killed.

**"When you give a reasonable interpretation and consideration to the evidence, the finger of guilt will point to Sam Sheppard. No one was in that house to commit a burglary—that was arranged to deceive investigators."**

The state's first witness was Dr. Lester Adelson, chief deputy coroner and pathologist. A controversy developed over pictures and color slides that had been taken of the body of the murdered woman.

Mahon asked court permission to set up a screen to project the color slides so the jury could see clearly the location and dimensions of the 35 separate wounds and injuries Dr. Adelson said he found in an autopsy.

**Defense attorneys objected to the introduction of the photos and the slides on the grounds that they would be prejudicial to the jury.**

Dr. Adelson said the pictorial evidence would help to make his testimony on the autopsy findings clearer to the jury. The pathologist also testified that an examination of the murder victim's body he discovered that she had been four months pregnant.

Common Pleas Judge Edward Blythin ruled that the color slides made of the corpse were admissible after they had been privately examined in his chambers by attorneys for both sides.

**A screen was set up in the courtroom and the pictorial evidence of the vicious wounds that caused Marilyn Sheppard's death were flashed upon it.**

Dr. Adelson pointed out the 35 wounds on the head, face, shoulders and hands of the victim were made with such crushing force that the skull was fractured in several places.

Dressed in a neat blue suit, white shirt and dark tie, Dr. Sheppard sat at the trial table eight feet away as the prosecutor pieced together into a chain of circumstances the evidence the state hopes will send the defendant to the electric chair.

Dr. Sam closed his eyes and clenched his teeth together, his jaws working, as the prosecutor's voice droned on.

Attorney Fred W. Garmone made the opening statement for the defense. He warned the jurors that they should "not come to a premature conclusion or analysis of the case.

**"The stakes are too high here to come to some preconceived idea or conclusion until we know all the facts about what transpired on July 4, the day of the murder," Garmone said.**

"The state spent a lot of time talking about reasonable interpretation of the evidence in pointing the finger of guilt at Sam Sheppard. Inference on inference cannot enter your mind in reaching a conjecture that points to

# State Demands Dr. Sam's Death for Marilyn's Killing

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the guilt of this defendant."

In replying to the state's charges of illicit relations between Dr. Sam and Susan Hayes and other women, Garmone said:

"I want to remind the jurors that in accepting their responsibilities as jurors they swore they would not be prejudiced against Dr. Sheppard because of affairs with other women."

Garmone made it clear that the defense will challenge efforts made to introduce evidence regarding blood stains found in the house, with direct evidence that a microscopic examination was not made until July 25, several weeks after the murder.

"If they say they couldn't determine whether the blood found in the home was human or not, I will tell you that we will offer testimony that most of the blood found in the house was the blood of the Sheppard's dog," Garmone said.

"When the entire story is unfolded," Garmone said, "the evidence will convince you that the method of solution was not by the wits of police but by a whip—that they were going to use to solve the murder by obtaining a confession from Dr. Sheppard, an innocent man."

### Brings Up 3 Points

Garmone said the defense evidence would show three points, indicating strongly that Dr. Sheppard was not contemplating murder of his wife.

"One, he had completed the deal for his Bay Village house and put the property in Marilyn's name. Two, Sam had taken out two \$20,000 insurance policies that would have given Marilyn and their son Chip \$3,600 a year for 17 years. Three, Dr. Sam turned over all his pay checks to his wife for endorsements and banking."

Garmone said evidence will be offered that there was "human dereliction in Sam's life" but that the defense would show by proper proof "that he loved Marilyn with great tenderness." Garmone said neither Susan Hayes or any other witness that might be called could say there was no tenderness in the love that he had for Marilyn.

Referring to Marilyn's preg-

nancy, Garmone said that Marilyn was so pleased with the conception that she had asked her stepmother to permit her to tell her father personally. He also said that Sam and Marilyn had taken pleasure in notifying many relatives and friends about the expectancy of their second child.

Garmone said that all the witnesses called there would be none who could testify that Dr. Sam Sheppard was not a man of "gentle nature."

### "Saver of Life"

"As the picture unfolds there will be no person whose testimony disputes the fact that anyone that possesses the gentle nature of this man could have the finger of guilt in a first degree murder pointed at him." He added:

"His makeup and general nature will show you that in 31 years — not reasonable conjectures or inferences on inferences that you will be asked to consider but evidence positive— Sam Sheppard was a man whose life was devoted to saving life and not one who would take the life from anyone."

Prosecutor Mahon started his opening statement to the jury and Common Pleas Judge Edward Blythin, presiding at the trial, with a reading of the indictment which charged that Dr. Sheppard "unlawfully and with malice aforethought and premeditation killed Marilyn Sheppard."

### Charges "Setup"

In conclusion, Mahon told the jurors:

"The evidence will clearly show that the simulated burglary in the Sheppard home was a setup to deceive people into thinking that there had been a marauder or intruder in that house. A reasonable interpretation of the evidence is that a burglar doesn't kill that way, with 25-savage blows.

"A reasonable interpretation of the evidence is that a burglar would not take a T-shirt from a man's body and carry it away. After listening to all the testimony you jurors will also point the finger of guilt at Sam Sheppard for a most brutal crime."

The prosecutor spent considerable time detailing events in

the Sheppard household the night before and immediately after the murder.

He told the jury the evidence would show that Mr. and Mrs. Don Ahern and their two sons had dinner at the Sheppard home the night of July 3.

He said when the Aherns will testify that when they left at 12:30 in the morning Dr. Sam was asleep on a downstairs couch, wearing the white T-shirt under a tan corduroy jacket.

The prosecutor said testimony of Mayor J. Spencer Houk and his wife would show that Dr. Sam's T-shirt was gone and his coat was neatly folded on the couch where he had been sleeping when they arrived in response to his call at 6 the next morning.

### Describes Death Scene

Mahon referred to Dr. Sheppard's explanation of the crime, that he had been awakened by his wife's cries and was struck by a mysterious man with bushy hair.

"When police examined the home they could find no evidence at all that anyone had broken into that home," Mahon said. He described the gory scene that greeted Mrs. Houk when she went to the murder bedroom.

"About 25 blows had been administered to Marilyn Sheppard's body, mostly about the head. Fifteen blows alone were above the eyebrows. The blows were delivered with such violence that the skull was crushed and fractured. Her nose also was broken."

As testimony began, Mahon moved for a separation of witnesses which meant that Dr. Sam's two brothers, Drs. Stephen and Richard and their wives, would have to leave the courtroom.

### Dr. Steve Stays

Corrigan argued that the defendant had a right to one witness present and the court permitted Dr. Stephen to remain in the rear of the courtroom.

The autopsy testimony was to be followed by the testimony of Mr. and Mrs. Don Ahern, neighbors of the Sheppards and their dinner guests the night of July 3, a few hours before the crime.

### Protests Jury Trip

Following the Aherns on the witness stand will be Mayor J. Spencer Houk of Bay Village and his wife. They were the first outsiders at the murder scene.

As the trial formally got under way after nearly three weeks of picking a jury and other legal obstacles, Chief Defense Counsel William J. Corrigan read into the court record a protest against the jury's inspection of the Sheppard home at 28924 West Lake Rd., Bay Village.

Corrigan was angered because of a helicopter which he said hovered over the house and made so much noise that jurors could not hear what was being explained to them during their tour.

The helicopter was hired by a newspaper to take pictures of the murder locality from the air.

Corrigan also cited the large number of photographers and reporters on the grounds of the Sheppard home and renewed his motions for a change of venue and a continuance of the trial.

### Accompanies Jurors

Dr. Sam accompanied the jurors as they walked from room to room in the bloodstained house. He wept on three occasions as he saw pictures of his son Chip, his wife and his son's toys strewn about the dusty home.

Dr. Sheppard did not go into the bedroom where his wife was murdered. He stood in the doorway with his eyes closed tightly—a typical reaction when he is under high emotional strain.