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54/11/04 Jury Gets State Case Preview

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Cleveland News, "54/11/04 Jury Gets State Case Preview" (1954). *All Articles*. 367.

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Jury Gets State Case Preview

The Dr. Sam H. Sheppard murder trial began today with Common Pleas Judge Edward Blythin informing the jurors that counsel for the state and defense will present opening statements "which are not evidence and are not to be considered by you as evidence."



Sheriff Joseph M. Sweeney leads Defense Counsel William Corrigan, Court Reporter Leonard Stern and the Sheppard case jury down the beach steps where Dr. Sam says he chased his wife's murderer.

Mahon Statement

The opening statement by Assistant Prosecutor John Mahon follows:

"It might be wise at this time to outline what the procedure is now. Following opening statements witnesses will be called in to testify under oath, one by one. They will tell what they know.

"There may be physical exhibits shown and received as evidence in the case. After all this and other evidence is before them, counsel is privileged to give a statement and closing arguments. First the state, then counsel for the defendant, then the state.

"Following the closing arguments, the judge will instruct the jury in rules of law that will apply and will explain to the jury the verdicts that may be rendered.

"Then the jury will go to the jury room to be secluded and will have the physical evidence to consider among themselves as to whether the defendant is guilty or not guilty.

"When all 12 jurors agree on a verdict you will be called to the open courtroom where your verdict will be read.

"This is not for the purpose of giving you evidence in the case but to show what we expect the evidence to disclose.

"When the witnesses take the stand you can fit what they say in the proper places. Anything I say or counsel for defendant says is not evidence in this case.

"This defendant has been charged by the State of Ohio with the crime of murder in the first degree. I am going to read the indictment.

"In the term of April in the year of Our Lord, 1954, the Grand Jury of the State of Ohio, under oath and by the authority of the State of Ohio, did find that Dr. Sam Sheppard did about the fourth day of July, 1954, unlawfully, purposely and with premeditated malice, kill Marilyn Sheppard, contrary to the laws of the State of Ohio, and against the dignity of the State of Ohio."

"The court will tell you that the indictment is not evidence, merely the formal way of advising the defendant of the charge he will have to face. In support of the indictment I expect the evidence will be substantially as follows:

"The evidence will disclose that Dr. Sam Sheppard, his wife Marilyn and son known as 'Chip', six years of age, resided at 28924 West Lake Rd., Bay Village, which is located in Cuyahoga County.

Points Out Location

"The evidence will disclose that this house is situated along Lake Erie between West Lake Rd. and Lake Erie. That the house where they lived faces Lake Erie and the rear faces West Lake Rd.

"As you enter the house from the rear, you pass through a kitchen first to go to the living room which is unusual for a house. The evidence will disclose that the defendant is a doctor and practices in Bay Village and nearby points. He was also associated with Bay View Hospital, which is also in the city of Bay Village, on W. Lake Rd., three miles east of the house of Dr. Sam Sheppard.

"Dr. Sam Sheppard is connected with that hospital with Dr. Richard Sheppard Sr., a brother, Richard, and a brother, Steve Sheppard.

Tells of Cocktails

"The evidence will disclose there had been some arrangement made for the family of Don Ahern and the Sheppards to have dinner together. The Aherns reside on West Lake Rd., about five houses west of the Sheppard home.

"The evidence will disclose that between 6 and 6:30 p. m. on July 3, Dr. Sam and his wife and their son Chip went over to the Aherns where they had a few cocktails and talked. Then about 8 o'clock they adjourned to the Sheppard home. I believe, when they went to the Ahern home, Mrs. Sheppard had a roast in the oven cooking at her home.

"The evidence will disclose that at the Sheppard home the meal was finally prepared and that, before this, Dr. Sam and Mr. Ahern and the three boys went to the basement to the punching bag.

"Sometime before this, they had gone to the lake to see how the lake was. They expected, the next day, to do some water skiing.

Says Sam Wore Jacket

"The evidence will disclose that about 9 they started to eat. It was a rather chilly evening. The meal was served on the screened-in porch with the exception of the children, who were served in the kitchen.

"It was a chilly evening and

during the course of the meal Dr. Sam put on a corduroy jacket. Mrs. Ahern obtained a jacket of some sort and put it on the shoulders of Mr. Ahern. Dr. Sam originally had been wearing a canvas jacket but it had been misplaced or something.

"Along about 10 p. m. Mr. Ahern took his children home. Mrs. Ahern remained at the Sheppards.

"Mr. Ahern returned about 10:30 p. m. In the meantime, Mrs. Sheppard and Mrs. Ahern had cleared and washed the dinner dishes. Dr. Sam fixed an airplane which had been broken for his son Chip.

"There was a small radio in the living room and the Indians' ball game was on.

"After the dishes were cleared and Ahern had returned, they also put on TV. There was a movie on. The radio was still on with the ball game. They continued to watch the movie. Chip was then put to bed. They continued to watch the TV movie and listen to the ball game.

Doctor on Couch

"The evidence will disclose that during that time Dr. Sam went over and lay down on a couch. This couch you saw yesterday when you viewed the premises.

"As you go to the second floor you go up three steps to a platform. That platform also leads to three steps leading from the kitchen. Then the main steps extend to the second floor.

"The couch is in the L-shaped living room. When Dr. Sam went to lie on the couch, he lay on his stomach with his head pointed toward the TV.

"The evidence will disclose he had on a pair of trousers—slacks of some kind. He had on a white T-shirt and a corduroy jacket and shoes or loafers. And that is the way he was dressed as he lay on the couch.

Falls Asleep

"The evidence will show that he dozed off to sleep.

"After 12—the TV movie was completed. Mrs. Sheppard became rather drowsy. The Aherns then left. This was close to 12:30, which was the morning of July 4."

(Mahon then said the Aherns left the Shepard home. He returned to his timetable to point out that Mrs. Ahern had bolted and chain-locked the front door facing the lake, earlier in the evening.) He continued:

"The evidence will further disclose that about 5:50 on the morning of July 4, Mayor Spencer Houk received a telephone call from the defendant. Mayor Houk lives on West Lake Rd., a few houses from the Sheppard home, and he is a very close friend of Sam Sheppard.

"Marilyn Was Killed"

"In the telephone call the defendant urged him to come over that something terrible had happened that Marilyn had been killed.

"On the Houk's arrival the rear door was closed and they entered through it, discovering first a doctor's bag upended in the hallway.

"In the study off the hallway, they found the defendant seated in a chair.

"He mumbled something to them about Marilyn. Immediately, Mrs. Houk went to the kitchen up the three steps to the main stairway and then to the second floor. Mrs. Houk looked into that room. There are twin beds there. On the bed nearest the door she saw the body of Marilyn Sheppard.

"Covered With Blood"

"The face and head were covered with blood. The upper part of her pajamas was pushed up, the lower part, one leg was completely out. Her body was exposed lying on her back.

"Mrs. Houk felt for a pulse and could find none.

"Mrs. Houk returned to the first floor and informed husband. Mayor Houk immediately called Bay Village police and also called the defendant's brother, Richard.

"At the time the Houks found the defendant, he had no clothes on above the waist. His trousers were wet. He attempted to talk but he could only mumble. He said they had killed Marilyn."

Pronounced Dead

Mahon told of the arrival of police followed by Dr. Richard, who examined and found her dead. He resumed:

"The police found on the floor there in the study or den, a wrist watch which was Marilyn Sheppard's. They found desk drawers pulled out in the den and in a little desk in the living room.

"The police were told by Sam Sheppard that someone had been in the house. He heard Marilyn cry out and he ran upstairs and he was clobbered as he reached the top of the stairs and was knocked out.

"He had an injury to his face around the eye and he complained that his neck hurt. Dr. Sam was taken from the house by his brother Steve, who arrived after Richard with some internes from Bay View Hospital. He was taken in Dr. Steve's

station wagon to the hospital. "The evidence will disclose that police made an extensive search around the house. They found no evidence of anyone breaking into that house—no evidence at all."

(Mahon then told how Mayor Houk's son, Larry, found a cloth bag on a hill back of the home, containing Dr. Sam's wrist watch, ring and key chain.)

He continued:

"The evidence will further disclose that one of the trouser legs of Sam Sheppard had red stains. As I said before, the evidence will disclose that later on the stains were analyzed by technicians to determine what had caused the stains."

"Human Blood"

"The evidence will disclose the stains were human blood. The evidence will further disclose that on further examination by police the blood was found on the stairway leading from the second floor on the top landing, and down the stairs, and also down the stairs leading to the basement."

"Not pools of blood, but drippings."

"We are unable to determine whether all the blood was human or not—but some was. The evidence further discloses that in the bedroom where the body was found, the walls around the room were splattered with blood, the bed soaked with blood."

"Skull Crushed"

"The head had been ruthlessly beaten. The evidence from the coroner who made a post mortem examination of the body showed there were about 25 blows on the body—principally on the head. Practically all on the head with the exception of some on the hands."

"All the blows to the front of the head were delivered with such violence that the skull was crushed and fractured. The hands

were all marked. I believe one of the fingernails was torn off. The evidence will disclose 15 blows alone were delivered with such force that the skull was fractured, nose broken and eyes injured."

"The evidence will further disclose in this case that this defendant told the authorities that he heard Marilyn moaning or calling, that he went upstairs, was knocked out, came to, heard some noise downstairs, went down and saw a figure going off the porch."

"That he followed him down to the beach, grappled with him again, was knocked out, came to, was wallowing in the water, his head on the beach. He went upstairs to the home and the figure was gone."

"The evidence will disclose when Marilyn was found that there was no visitor in the house, and the only one there was himself. There was nothing missing in any of the bedrooms."

No Weapon, No T-Shirt

"The weapon used to beat Marilyn Sheppard was not found."

"The T-shirt Dr. Sam Sheppard was wearing was not found."

"The corduroy jacket he was wearing when he was sleeping was found neatly folded, and placed on the couch."

"The evidence will further disclose that the defendant was married in California in 1945. He was going to school at that time. They lived there until 1951 and came to Cleveland, to Bayview, to practice."

"The evidence will disclose that while living in Los Angeles, he had affairs with other women out there. That while out there they considered divorce, but nothing came of it."

"I might say that, besides being at Bayview Hospital, they operated a clinic in Fairview on Lorain Rd. Evidence will disclose that when he came to Cleveland, the defendant prac-

ticed at the hospital, and that there was a young woman by the name of Susan Hayes employed at the hospital."

"The evidence will further disclose that he became infatuated with Susan Hayes, that they would meet from time to time, and would go out on calls together. Finally, Susan Hayes left the hospital and went to California."

"In the latter part of February of this year, Dr. Sheppard and Marilyn went to Los Angeles, that he went out there to take some courses at school and while there stayed at a motel for a few days."

"Then, Marilyn Sheppard went to the home of a Dr. and Mrs. Chapman, residing in Monterey, a city near San Francisco and about 300 miles from Los Angeles, and remained there until they returned to Cleveland."

"The evidence will disclose that while she was there, the defendant contacted Susan Hayes, and the evidence will disclose that he contacted her before Marilyn went to Monterey."

"But afterwards, he started to live with Susan Hayes at the home of Dr. Miller, that he shared the same bedroom with her for several days, that he went to a wedding with Susan Hayes to San Diego, and that while on the trip Susan Hayes lost her watch, and that he bought her a new one."

"The evidence will disclose that he corresponded with Susan Hayes, when he returned to Bay Village and that he talked to Susan Hayes about divorce; that in the correspondence were endearing terms, that he informed her not to send letters to the hospital or his home, but to send them to the clinic on Lorain Rd."

"We expect the evidence in this case to disclose that the defendant and Marilyn quarreled over the actions of Dr. Sam Sheppard and other women he was infatuated with. The evidence in this case will clearly show, when you give it a reasonable interpretation, that the finger of guilt points at Dr. Sam Sheppard."

"The evidence, if given a reasonable interpretation, will show that there was no one in the house but Dr. Sam Sheppard, and that the attempt to show a burglary was to deceive you."

"If there was a burglary, all of the drawers would have been dumped out and more would have been taken than the watch and the ring which were found in the back outside."

Deceit Contended

"A reasonable interpretation will show that all of that was a

set-up of a thought of deceiving people that there had been a marauder, or an intruder in the home that committed the murder."

"A reasonable interpretation is that a burglar just doesn't rain 25 blows to the head of a victim."

"A burglar wouldn't take a sweat shirt off a man's body and carry it away. The T-shirt is gone."

Then in conclusion Mahon said to the jury: "Ladies and gentlemen of the jury, we ask you to pay close attention to the testimony of the witnesses—draw reasonable deductions from the evidence you will hear from the witness stand. All I ask is that you keep your minds open."