

Monday Afternoon Session, November 8, 1954.

Thereupon the State of Ohio, further to maintain the issues on its part to be maintained, called as a witness DON AHERN, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Danaceau:

Q May we have your name, sir?

A Don Ahern.

Q Spell your last name, please.

A-h-e-r-n.

Q Where do you live?

A I live at 29146 Lake Road in Bay Village.

Q In Bay Village, that is in Cuyahoga County?

A Yes, sir.

Q One of our western suburbs of Cleveland?

A Yes, sir.

Q And you are married?

A Yes, sir.

Q And your wife's name is Nancy?

A Yes, sir.

I believe you have two children, a boy and a girl?

A That's right.

Q Michael, nine years old, and Leslie, seven, that's right?

A That's right.

Q How long have you lived there?

A Since December of 1950.

Q Do you know where the home of Dr. Sam Sheppard and the late Marilyn Sheppard is?

A Yes, I do.

Q And how far from your home is that home?

A Their house is the fifth east of our house.

Q The fifth east of your house. And you live west of it?

A That's right.

Q And you also live, in your house, between Lake Road and Lake Erie, is that correct?

A That's right, on the lake side.

Q Do you recall when the Sheppards moved into their home?

A Not specifically. We did not meet them at that time.

Q When did you first get to know Dr. Sam Sheppard and Marilyn Sheppard?

A It was about a year prior to the 4th of July of this year.

Q Did your families get to know one another?

A Yes, sir.

Q And visit back and forth?

A Yes, sir.

Q And in addition to visiting back and forth, did you have any mutual association by way of athletics, or things of that

nature?

A Yes, we did.

Q Will you tell us what they were?

A Water skiing was perhaps the principal sport that we enjoyed together. Sam and I played basketball many times together. We went snow skiing up in Pennsylvania last winter on one occasion, and we used to swim together some.

Q Now, water Skiing, I take it -- maybe all of the jurors have seen it on the screen, if not actually -- will you, nevertheless, tell us just what that is?

A Water skiing?

Q Yes.

A It is a sport in which the individual rides on water on the skies being pulled behind a boat.

Q That is, a motor boat pulls?

A That's right.

Q And then there is a long rope?

A That's right.

Q And then the skier holds the rope or a handle, is that correct?

A That's correct.

Q And where would your water skiing take place?

A Most occasions it was down in front of Sam's house on the lake.

A How often did you go water skiing with Dr. Sam?

Q Oh, perhaps 15, 20 times, possibly more.

A What was the last -- when was the last time you went water skiing with Dr. Sam Sheppard?

Q I would say about 10 days prior to July 4th.

A And these basketball games, or basketball that you played with him, where would that take place?

Q Some of it over at Bay Village High School, which were merely scrimmages, and then Sam has a basketball backboard erected on his garage and we worked out there on the surfaced driveway on occasions.

A And where did you say this snow skiing took place?

Q That was up in Ligonior.

A When was that?

Q As I recall, it was sometime in February of last year.

A Now, you also testified that you swam together?

Q Yes, sir.

A And I take it you have to be a good swimmer to engage or indulge in the sport of water skiing?

Q Normally I think that is true, yes.

A I understand that in water skiing, some skiers, as a matter of precaution, wear a float, is that correct?

Q That's correct.

A What is a float? Would you describe that to the jury?

A I think possibly the best description would be that in appearance it appears to be a double inner tube which goes around the body and clips in front.

Q And you were in the habit of wearing one of those during water skiing?

A Yes, sir. I think it was a good precaution.

Q Was Dr. Sheppard in the habit of wearing one?

A As I recall, he did not.

Q Now, directing your attention to the Saturday of July 3rd of this year, did you have occasions to see Dr. Sam Sheppard and Marilyn Sheppard on that day?

A Yes, I did.

Q And where was that?

A Initially at our house at about 6 o'clock in the evening.

Q What was the occasion?

A Oh, just a social gathering prior to going down to their house for dinner.

Q Had there been an arrangement for the gathering at your house and later dinner at the Sheppard home?

A Yes.

Q And who had made those arrangements?

A My wife and Marilyn Sheppard.

Q And at this earlier meeting at your home, at what time was that?

A I think they arrived about 6 o'clock in the evening.

Q And who was there?

A Sam and Marilyn Sheppard and their son Chip, my wife, and our two children.

Q And about how old is Chip?

A Chip is now seven, I think.

Q Now, at this meeting at your home was there a conversation of one sort or another?

A Yes.

Q And did you have any refreshments?

A Yes. We had cocktails.

Q How was Dr. Sam Sheppard dressed at that time?

A He had on cord slacks, and a T-shirt, and I think he had on a -- some kind of a jacket, a canvas jacket, I think, at that time--- I don't recall, and I think he had on his brown loafers and white sweat socks.

Q Did he have a wrist watch?

A As I recall, he did.

Q Did he have it on at that time?

A I think he did, yes.

Q How was Marilyn Sheppard dressed at that time?

A Gee, I don't recall.

Q Do you recall whether she wore shorts or a long dress?

A I guess she did. I think she did have shorts on.

MR. CORRIGAN: I object.

Q Sir?

I think she did have shorts on at that time, that's right.

Q Now, did Dr. Sam Sheppard remain there during the entire time that Marilyn Sheppard and Chip were there?

A No. Sam was gone for a short time on a call, I think to the hospital.

Q Do you recall about what time of the evening the call came?

A I don't recall. I would say perhaps around 7. I know he returned to our house before going back down to their residence.

Q Well, at any rate, he left on a call to the hospital, and then he came back?

A That's right.

Q Do you recall about what time it was that he came back?

A Perhaps 7:30.

Q Did you later leave for the Sheppard home?

A Yes, sir.

Q About what time was that?

A I would say a little after 8.

Q Will you tell the jury just how you left?

A We drove down in our car.

Q By we, who do you mean?

A My wife, and Sam, and my boy Michael, I think.

Q How did Marilyn Sheppard get there?

A Marilyn had left our house a few minutes earlier to take

care of the preparations of dinner.

Q And how about Leslie, your daughter Leslie, and Chip?

A Leslie and Chip walked down.

Q Then you all got there at about what time?

A Sometime after 8, near 8:30, as I recall.

Q Did you all go into the house?

A Yes.

Q After you got into the house, what did the adults do, and what did the children do?

A Marilyn and my wife were in the kitchen preparing dinner.

I don't recall what the children did initially. I know that Sam and I went down to the beach shortly after we got there.

Q That is, Dr. Sam Sheppard and you went down to the beach?

A That's right.

Q Went down the stairway?

A Yes, sir.

Q How far down did you go?

A Down to the top of the landing. We did not go down to the water's edge. It was rather rough. The water was washing up.

Q What did you do down there?

A Merely looked at the water, and I recall Sam mentioning that on the following day, which would have been Sunday,



that he had invited some interns from the hospital to come up and ski.

Q And you say you looked at the water?

A It was rather rough.

Q Was it windy?

A Yes.

Q And you say it was rather rough. Will you describe how the waves were coming in toward the beach, and how far they went, and how much beach there was?

A Well, the water was rough enough and it was coming in strong enough so that, as I recall, most all of the beach was obscured.

Q Now, what was the temperature outside?

A It was a little chilly.

Q Did anything else occur down at the beach other than what you have related, that you can recall?

A No, other than I recall it was rather disappointing, at least, if the water continued to be rough for the following day, because it would have eliminated the possibility of skiing.

Q Then you went back upstairs, is that correct?

A That's right.

Q Now, at that time of the evening, was it very light outside, or was it getting dark?

A No. It was still light at 8:30.

Q By 8:30, you are using the Daylight Savings Time that went in effect at that time, is that correct?

A That's correct.

Q Now, when you got back up to the house, you both went in, I take it?

A That's right.

Q Then what occurred?

A Well, shortly thereafter we went down into the basement, and Sam --

Q By "we," who do you mean?

A Sam and the three children, our two children and Chip.

Q And yourself?

A That's right.

Q And tell us what occurred down in the basement.

A The purpose for going down was Sam was going to demonstrate and show, I think principally my son Mike, how to use the punching bag, so we went down and then he proceeded to give my son Mike some instructions.

Q Was there some sort of basket down there that he put underneath?

A Yes. It was either a basket or a box, which was placed directly below the punching bag so that Mike could reach it.

Q Then he gave him a demonstration?

A Yes.

Q About how long were you down the basement?

CA Oh, five or ten minutes, perhaps.

Q Now, in giving that demonstration, did Dr. Sam take off an outer jacket?

A Yes, he did.

Q And that permitted the T-shirt to be seen?

A That's right.

Q Is that a white T-shirt?

A That's right.

Q Now, after that demonstration down in the basement, then what occurred?

A We came back upstairs.

Q All of you?

A Yes.

Q And what did the adults do and what did the children do?

A Well, it was shortly thereafter that we started dinner, having dinner on the porch.

Q By "we," you mean the adults?

A The adults. The children ate in the kitchen.

Q Do you recall about what time it was that you sat down to dinner?

A 9, or perhaps a little after, in the evening.

Q And who served the dinner?

A It may have been a combination of Marilyn and my wife, I

don't recall. I think more Marilyn.

Q And did you adults and the children eat at the same time?

A Yes.

Q What was served, if you recall?

A I think the main dish was ham.

Q Roast ham?

A Yes. I think so.

Q Do you recall what the other dishes were?

A Potatoes, also a vegetable.

Q And I take it that there was the usual conversation at the table?

A Yes.

Q Nothing special?

A Nothing unusual.

Q At about what time was it that you finished with dinner?

A A little after 10.

Q And then I take it the dishes were cleared?

A That's right.

Q Who cleared the dishes off the tables?

A Marilyn and my wife.

Q I take it they were then taken into the kitchen?

A That's right.

Q Then what occurred with reference to the children?

A Well, after dinner, I took our two children home.

Q That is, you took Leslie and Michael home?

A Yes.

Q Through what door did you leave?

A The back door, or the Lake Road side door.

Q That is the door on the side of the road?

A It is. The south side, yes.

Q Did you walk home or ride home?

A I rode home in the car.

Q You put the two to bed?

A That's right.

Q Then you returned, is that correct?

A Yes.

Q Do you recall about what time it was that you returned?

A It would have been a little after 10:30.

Q What door did you come in?

A The same door that I went out, the one on the Lake Road side.

Q When you came in, you saw your wife there?

A Yes.

Q And Dr. Sam Sheppard?

A Yes, sir.

Q And Marilyn Sheppard?

A Yes, sir.

Q How about Chip?

A Chip was coming down the steps as I entered the living room,  
and --

Q How was he dressed?

A In his pajamas.

Q Then what occurred?

A He asked his mother something -- I didn't hear it -- but she did tell him to go back upstairs, and he did directly.

Q And then what occurred?

A We began watching a movie on television, and also the baseball game which we had been listening to before.

Q Did you at any time during that evening go upstairs?

A Earlier in the evening I did. It must have been prior to the time that we went in the basement, and Sam was demonstrating the punching bag.

Q Was that after you came up from the --

A From the beach, apparently.

Q From the beach. You say you went upstairs?

A Yes. We had been in the basement, and then we went upstairs.

Q Oh, I see. Who went upstairs?

A Sam and I.

Q What was the occasion?

A Well, one phase of my business is that of removal of smoke odors, and there had been a fire in the Sheppard home quite sometime before.

Q How long ago?

A I don't know. Perhaps a year before, a year and a half.

I don't recall exactly.

Yes. But I do know that on occasions they had the problem of the returning of the smoke odor, so that was what prompted going upstairs, and I also checked --

Q Pardon me. I thought you were through.

A I also checked down in the basement to see if there might be some odors, smoke odors down there.

Q Now, where did you and Dr. Sam Sheppard go upstairs?

A I don't recall how many bedrooms, but I recall having gone into the bedroom on the east side. Sam was upstairs. I don't know if he walked in with or not.

Q How many bedrooms did you go into?

A As I recall, only one.

Q Which one was that?

A The one on the east side, and I think there was the one --

Q Who occupied that room? Can you identify it for us?

A Right now I forget his name. A doctor.

Q Dr. Hoversten?

A Yes, sir.

Q Was that the room that he had formerly occupied?

A Yes.

Q You went in the room?

A That's right.

Q Did you see anybody in there?

A No, sir.

Did you see anybody upstairs?

A No, sir.

Q Did you see anybody in the house outside of Dr. Sam Sheppard, Marilyn Sheppard, and your wife and the children?

A No, sir.

Q Now, coming back downstairs, you say you started to watch television? And listened to the radio?

A That's right.

Q Was there any talk about going to a motion picture house?

A Yes. A little earlier than that, that is, prior to the conclusion of our dinner, both Marilyn and my wife had suggested the possibility of going to a movie, but then because it was a little late decided not to go.

Q Now, who turned on the television?

A I don't know. I think television actually was turned on during my absence while I was taking the children up to our house.

Q What time was the radio turned on for the ball game?

A Well, that was on during the course of the meal, sometime during the meal.

Q It was on while you were eating dinner?

A Yes.

Q Do you recall who turned it on?

A Probably I did. I don't know.



You are not sure. Now, after the children were put to bed, and you were watching television, will you tell us where you and Mrs. Ahern sat?

I was sitting on the left or west side, she was sitting next to me, sitting to my right.

Now, the television, I take it, is on the south side of the house?

No, sir.

On the north side?

Yes, sir.

North side of the house, and you were seated on the south side, is that correct?

That is correct.

And your chairs were west of the television set?

Just a bit.

What kind of chairs were they?

Large chairs, as I recall. A portion of a sectional, as far as the furniture was concerned.

Now, to get back a moment, I forgot to ask you one question:

When you went out on the porch, was it cool?

Yes.

the

Did/men have jackets on?

Yes.

And what kind of a jacket did Dr. Sam Sheppard have on?

Sam had on this tan curdoroy jacket at that time.

Q That was a different jacket than the one he had at your home?

A That's right.

Q What kind of a jacket did you have on?

A I was wearing a cord suit, and when we sat down to eat, my wife put another jacket -- draped it around my shoulders, one which is an old college jacket I think was Sam's.

Q Did Mrs. Sheppard and Mrs. Ahern also have jackets on?

A I don't recall. They must have because it was quite chilly.

Q Now, when you say you went upstairs, in order to get to this room that Dr. Hoversten had occupied, where would you have to go to get there?

A Well, you can reach the landing either from the kitchen or from the living room. As I recall, we came up through the kitchen some two or three steps up to a landing, and then the steps proceeded up, I guess it was in a north direction, turning right off of the landing.

Q And you go down a hallway, is that correct?

A Well, at the top, the hall runs east and west.

Q And did you have to go through any other room to get to this room?

A No, sir.

Q And is this room the one that is close to the garage?

A Yes, sir.

Q Now, to get back down watching the television, you stated where you and Mrs. Ahern were. Where was Marilyn Sheppard seated?

A She was sitting -- that would be on my wife's right.

Q On the same side --

A Of the room.

Q -- of the room?

A Yes.

Q Facing the television?

A That's right.

Q And where was Dr. Sam Sheppard sitting when you first sat down to watch television?

A I don't know. I think Sam initially was either sitting in another smaller chair beside Marilyn or sitting on the floor in front of her, I don't recall. That is initially.

Q You say initially?

A Yes.

Q Then did he later go somewhere else?

A Later on they were both sitting in the same chair, I recall that.

Q And did he later go to another place?

A Yes, he did.

Q At about what time in the evening was that?

A About 11:30.

Q Where was this other place?

A The couch.

Q The couch that is along the wall?

A Yes.

Q How was he dressed -- before I get to that -- did he lie down on the couch?

A Yes.

Q Did he watch television while he was on the couch?

A He did for a few minutes.

Q And then what happened?

A He went to sleep.

Q How was he dressed at that time?

A Well, he still had on his cord slacks and his T-shirt and the tan corduroy jacket.

Q Do you recall whether or not he had on the wrist watch?

A I think he did.

Q Who was listening to the baseball game at that time?

A I certainly was.

Q You were paying more attention to the ball game than you were to television, is that correct?

A That's right, the picture wasn't too good on television.

Q And you continued to watch that or listen to the ball game until what time?

A I think -- well, we left when the movie was over and that must have been around 12, 12:15 or 12:30. I don't recall

exactly.

Q Was Dr. Sam Sheppard asleep at that time?

A Yes, he was.

Q Now, how about Marilyn Sheppard?

A Well, just prior to our departure, she was dozing, and we had thought that possibly we could sneak out without rousing her.

Q So you started to get up?

A That's right.

Q Then what happened?

A She woke up.

Q And then what occurred?

A She walked to the door with us, that is the door on the Lake Road side, and we said goodnight.

Q And you left?

A That's right.

Q And the door was closed by Marilyn, is that correct?

A That's right.

Q And that is the last time you saw Marilyn Sheppard alive?

A That's correct.

Q Now, before leaving, did you observe what lights were on in the house?

A There was one on in the living room, I think it is situated on a table in the western part of the west side of the living room; there was one on in the kitchen, and I'm

quite sure there was one on in the upstairs hall, not that I could see the light itself, but I could see the reflection, and then also one on in Sam's study.

Q Now, you say there is a landing that leads towards the upstairs both from the kitchen and from the living room?

A Yes.

Q Now, right at that landing, is there a switch for the upstairs light?

A I think there is.

Q Now, is there a light down the stairway where the boat house is?

A Yes.

Q And is there a switch in the house that controls that?

A I think that switch is in the den.

Q In the den in the house?

A I think so, sir.

Q How many lights are there down there at the boat house?

A I think just one. That is right down at the landing, yes.

Q Is there any other light down there?

A I'm not sure. I recall the one, a rather bright one.

Q Now, you and Mrs. Ahern then left and went home, is that right?

A That's right.

Q And went to bed?

A (Witness nods.)

Q And what time in the morning were you awakened?

A Mrs. Ahern woke me just a few minutes after 6.

Q And did you get dressed?

A No, sir.

Q Well, what time did you get up and get dressed?

A Right after she woke me up.

Q What time was that, would you say?

A Perhaps 10 after 6.

Q Did you come over to the Sheppard home?

A Yes, later.

Q Later?

A Yes.

Q About what time was that?

A 7:30 or 8.

Q Now, had you seen anybody before then?

A Yes. Prior to that Mayor Houk and Jay Hubach, a Bay Village policeman, came over to our house about quarter of 7, perhaps.

Q Quarter of 7?

A Yes, about.

Q Had you received a call from anyone else before then?

A Yes.

Q From whom?

A Mayor Houk had called shortly after 6 in the morning.

Q Anybody else call?

A Not that early. Later on in the day.

Q Who called later in the day?

A I didn't take the call. It was either Richard or Steve Sheppard.

Q At any rate, you came over after you received this call from Mayor Houk, and after he and this officer had visited you?

A Yes.

Q They questioned you and Mrs. Ahern about what took place the night before?

A Yes, concerning the activities of the previous evening.

Q What time, then, did you come over to the Sheppard home?

A Sometime between -- around 7:30 or quarter of 8.

Q Where did you go then?

A I recall we walked down the steps to the beach, down as far as the landing, but we were advised not to walk on the beach.

Q Was it still windy, or had the wind died down?

A It had died down considerably. It was still a little rough, though.

Q Sir?

A It was still a little rough.

Q It was still a little rough, but not as rough as it was when you were there the previous evening?

A That's right.



Q I believe you testified, did you not, at the Coroner's inquiry?

A Yes, sir.

Q And before the Grand Jury?

A Yes, sir.

Q And you also testified in this Court as a witness for the defense at the bail hearing, is that correct?

A That's correct.

MR. DANACEAU: That is all at this time.

MR. CORRIGAN: Mr. Ahern --

MR. DANACEAU: Just a moment. I have one further question. Will you mark this Exhibit 6? Let's assume that this is marked Exhibit 6 by a tag.

MR. PARRINO: That is 7, I think, Saul.

MR. DANACEAU: This will be marked State's Exhibit 7 by a tag that will be attached to it.

THE COURT: Well, just one moment, please.

Q I hand you this jacket, sir, and ask you to identify it?

THE COURT: Just a moment.

Will somebody help me, with number 6?

MR. PARRINO: There were six pictures.

THE COURT: There were six sheets in A-5 of the Coroner's report, and then B-1 and B-2 and --

MR. MAHON: No. Those are defense exhibits. We are talking about State's Exhibits.

THE COURT: Oh, yes. I beg your pardon.

MR. PARRINO: We have the six photographs, your Honor.

THE COURT: Oh, yes. We are down to number 7.

(State's Exhibit No. 7, being a jacket, was marked for identification.)

Can you identify this jacket, sir?

Yes, sir. That is the jacket that Dr. Sheppard was wearing the night of July 3rd.

MR. MAHON: What is your answer?

MR. PARRINO: A little louder.

Will you repeat the answer, please?

Yes. That is the jacket that Dr. Sheppard was wearing on the evening of July 3rd.

MR. PARRINO: What time?

THE WITNESS:  
we left, 12:15 or 12:30.

Well, at the time

MR. DANACEAU:  
State's Exhibit 7.

We offer in evidence

THE COURT:  
received.

The offer will be

(State's Exhibit 7 was  
received into evidence.)

MR. DANACEAU:  
(Thereupon the cross-examination of Donald J.  
Ahern commenced at 2:05, p.m.)

No further questions.

CROSS-EXAMINATION OF DONALD J. AHERN

By Mr. Corrigan:

Mr. Ahern, what do you do?

What do I do?

Yes.

I have two businesses, one being a transportation service  
business and the other an odor counter-action business.

Is your office downtown?

Yes, sir.

And you met Sam Sheppard and his wife about a year before  
the date of her death?

That's correct, sir.

You live west of the cemetery, the first or second house?

A The second house, sir.

A I think the jury saw where the cemetery was. You live just west of that?

A (Nods head affirmatively.)

THE COURT:

The answer was yes.

A Yes.

Q You have been at Sam Sheppard's house frequently?

A Yes.

Q At the rear of his house, after you come from the back of his house, you proceed about 25 or 30 feet and then there is a rather sharp declivity down to the lake?

A That's right, sir.

Q And there has been constructed from the top of the bank down to the lake a stairway?

A Yes, sir.

Q Of about 20 or 30 steps?

A I think that's correct.

Q And when you get down to the bottom of that flight of steps there is a platform?

A That's right.

Q And on the east side of that platform there is a boathouse or a dressing room, a little building?

A Yes, sir.

Q A bath house, I guess they call it?

A Yes, sir.

Q With three doors in it?

A I don't recall the exact number of doors.

Q Well, there are more than two, do you recall that?

A I think so, sir.

Q And then to the north -- the platform at the bottom of the steps continues along the west side of that bath house, and also turns along the north side of the bath house?

A That's right.

Q And there is a rail around it?

A That's right.

Q And then when you proceed over the platform and get to the extreme easterly end of the platform that is on the north side of the bath house, there are steps that go down onto the beach?

A That's right.

Q Now, next to Sam Sheppard's house there is a larsge vacant plot of land?

A Yes, sir, on the east side.

Q On the east side. And to the rear of that vacant plot of land and on a similar bank or declivity such as is at the rear of Dr. Sam Sheppard's house there are a number of trees and underbrush?

A That's correct.

Q Then when you go down on to the beach, when there is a beach there, you can walk along that beach over to

Huntington Park?

A That is right.

Q And between Huntington Park and Sam Sheppard's house to the east -- Huntington Park is to the east -- there is this vacant lot, and then two residences?

A That's correct.

Q And then you come to Huntington Beach?

A Yes, sir.

Q And Huntington Beach is an open area of ground that fronts upon West Lake Road?

A Yes, sir.

Q And is accessible to anybody that wants to walk in there?  
Yes, sir.

Q And to the west from Sam Sheppard's house there is also a beach?

A Yes, sir.

Q And how far can you go west on that beach?

A Not too far before you run into large stones.

Q What?

A If you are speaking of literally a beach?

Q We are talking about a beach. There was a beach there on the morning of July 4th, was there not?

A Yes, there is a small beach area. I just didn't know how far you meant west.

Q Well, as you go west on the beach you pass the beach of

Mrs. Schuele?

A That's right.

Q Mr. Bruscano?

A Yes, sir.

Q And Mayor Houk?

A Yes, sir.

Q And there are steps leading up from the beach at each one of those three places, are they not?

A I think there are, sir.

Q Now, in the time that you knew Dr. Sheppard and his wife, you were together on many occasions?

A Yes, sir.

Q You played games with them?

A Yes, sir.

Q He was interested in sports?

A Yes, sir, very much.

Q In December -- or in February of 1953, you and your wife and he and his wife went on this skiing trip to Pennsylvania?

A Yes, sir.

Q How long were you gone?

A As I recall, it was a weekend.

Q Did you occupy a cottage or were you in a hotel?

A We were staying in a lodge.

Q Well, that is something like a hotel, I take it?

A I guess that's right.

Q Each one of you had a separate room?

A No. As I recall, Sam and Marilyn and my wife and myself had a large room which we occupied together.

Q That is, the four of you occupied the one room?

A That's correct.

Q So that during that week's time you were very close to these people and could make very close observations of them, couldn't you?

A Yes, sir.

Q And you did?

A Yes, sir.

Q And will you tell the jury what the conduct of Sam Sheppard was towards his wife during that week that you spent with him in the lodge?

MR. MAHON: Wait a minute. He said a weekend.

MR. GARMONE: Weekend.

MR. MAHON: Not a week.

Q Weekend.

A Will you rephrase that question again, Mr. Corrigan?

Q Well, will you tell what -- do you know how they conducted themselves during that time?

THE COURT: You mean towards each other?

MR. CORRIGAN: Yes.



A Well, I certainly don't recall anything unusual happening. They certainly seemed to get along together very well.

Q What?

A They seemed to get along together very well.

Q Yes. In other words, it was a pleasant weekend, would you say?

A Yes.

Q And everybody seemed to enjoy everybody else's company?

A That's right.

Q And have a good time?

A Yes, sir.

Q Now, then, during the course of that year, the rest of that year, you were back and forth to one another's house frequently?

A Yes, sir.

Q And you could not help but learn a lot about these two people, could you?

A That's right.

Q And you did?

A That's right.

Q Did you know something about the fact that Marilyn was pregnant before July 4th?

A Yes, I think I learned that just about a week before.

Q Do you recall being together with your wife and Sam and Marilyn about a week before when they were over at your

A house when Sam was expressing solicitude for his wife?

A Well, I recall about a week -- perhaps about the same time you have reference to, I don't know, but they were guests of ours at Lakewood Country Club.

Q Well, to refresh your recollection, do you remember this incident, where there was some discussion between Sam and your wife and Marilyn about smoking cigarettes?

A Yes.

Q And that Sam was telling his wife that it was not good for her to smoke cigarettes in her condition?

MR. PARRINO: Objection.

THE COURT: Let him answer.

A I don't recall the specific reason for Sam mentioning why she should not be smoking, but I do recall his saying something about it.

Q You do recall that?

A Yes.

Q All right. When you went skiing, did you ever go skiing with Marilyn?

A Pardon?

Q Did you ever go skiing with Marilyn and Sam? Was she ever there in the skiing activities?

A Do you have reference to the skiing in Ligonier?

A Water skiing? You testified that you went skiing down at Sam's house?

1 Yes.

2 Do you recall that?

A Yes, sir.

Q And that you went there quite a number of times?

A Yes, sir.

Q And the last time you went skiing was about 10 days before the 4th of July?

A I think that's correct.

Q Now, my question is, when you went down skiing, did you ever see Marilyn skiing?

A Yes, sir.

Q Pardon?

A Yes, sir.

Q And did she ski at the same time you did?

A Yes, sir.

Q And did your wife ski?

A Yes, sir.

Q So it was a skiing party in which the four of you participated, one person ran the boat?

A That's right.

Q And another person stood on the skis and held the ropes and was pulled by the boat?

A That's right.

How far out in the lake would you go?

A Not too far. Perhaps a maximum distance of a quarter of a

mile, but normally not that far.

and this ski rope, as I understand it -- I never did it, so I will have to get it from you -- the skis are just very much like the skis that are used in ice skiing or in snow skiing?

A That's correct, sir.

Q And you put your foot into slots?

A That's right.

Q And then there is a rope that is attached to the end of those skis?

A No, sir.

Q Where is it?

The rope is attached to the boat.

Q The rope is attached to the boat?

A And the skier has control of the other end.

Q And the skier hangs on the rope?

A That's right.

Q So there is no rope on the skis at all?

A No, sir.

Q So what you are doing, you are standing in the water on these two skis, the rope is attached to the rear of the boat?

A That's right.

Q And you are hold on to some kind of a handle?

A That's right.

Q And the result is that you are pulled through the water?

A That's right.

Q Now, in that type of a sport sometimes you fall off the skis?

A That's right.

Q The boat goes too fast or you lose your balance and you fall into the water?

A Right.

Q And you have to leave go of the rope?

A Yes, that's right.

Q Or do leave go of the rope?

A That's right.

Otherwise you would be dragged by the body and by the arms, if you didn't leave go of the rope?

A That's right.

Q If you can swim, why, you keep afloat?

A Correct.

Q And if you can't swim, you drown, unless the boat comes back and picks you up?

A Or unless you are wearing a float.

Q Or ; unless you remain close where you can stand on the ground. All right.

Now, during the time that you enjoyed this sport and you worked together, or played together, did Marilyn sometimes operate the boat?

A Yes, she did on occasions.

Q And there could only be one skier at a time, couldn't there?

A No, there could be two.

Q There could be two?

A Yes, sir.

Q And sometimes Marilyn would operate the boat?

A Yes, sir,

Q And you and Sam would ski or you and Mrs. Ahern would ski?

A Yes.

Q And Sam and Mrs. Ahern would ski?

A That's correct.

Q Yes. And then at other times Marilyn would operate the boat or Marilyn would ski and Sam would operate the boat?

A That's right.

Q Now, that was the play that you indulged in that summer, one of the things with Sam Sheppard?

A That's right.

Q Now, another thing of play that you would indulge in with him was that you would go over to his house and play basketball?

A That's right.

Q In the front of his garage he had a basketball net attached, and you and he would throw the ball up there?

That's right.

Q Were you a basketball player?

A Yes, sir.

Q In your day?

A Yes, sir.

Q Did you ever notice this, also, Mr. Ahern: That a lot of the young boys around the neighborhood used to come in there and play basketball in Sam's place?

A That's correct.

Q Did you also notice that a lot of the boys around the neighborhood, and some of the girls, would use Sam Sheppard's beach?

A That's right.

Q Did you notice, also, that some of them were allowed to ski?

A Yes, sir.

Q And who operated the boat when the children, youngsters, were being pulled around?

A Sam did, as a rule.

Q Sam?

A Yes.

Q So Sam used to operate the boat and pull the kids of the neighborhood around on the skis?

A That's right.

Q Now, during the time that you knew Sam Sheppard, did you have the opportunity to observe what kind of a fellow he was?

A Yes.

Q And what was your observation about him?

A I felt that Sam was always a very straightforward fellow.

Q Very what?

A Very straightforward. I enjoyed his company very much.

Q What?

A I enjoyed his company very much. He was a good friend of mine.

Q He was a good decent fellow, wasn't he?

A Yes.

Q And that was your observation. He was a hard working man, you knew that, too, didn't you?

A Yes, I did.

What?

A Yes, I did.

Q Did you know or during your acquaintance with him did you know what particular activities he had at Bay View Hospital?

A You mean with reference to his specializing, his specific field there?

Q Anything?

A Well, I know that he used to operate a great deal. He also took care of any accident cases that developed in Bay.

Q That is what I wanted to bring out. You knew that he took care of the accident cases out there?

Yes, sir.

Q Were you ever on any accident cases with him?



A Yes, sir.

And where were they? How did you happen to go along?

A I recall just the one which happened at the corner of Dover Road and Lake, which is perhaps a mile, a mile and a half east of Sam's house.

Q And when was that?

A Oh, that was, I would say, 8 or 10 months ago. I don't recall exactly.

Q Was it in the daytime or in the night time?

A I think we were having dinner at the time, at his house.

Q Do you remember whether it was dark?

A It was still light that night.

Still light?

A Yes, sir.

Q And you went with him to this accident?

A Yes, sir.

Q Now, when the arrangement for the 4th of July was made between Marilyn and your wife, the arrangement for going over to the Sheppard's house for dinner --

A Yes.

Q -- was made between Marilyn and your wife, you say, and you have told the jury, that when you left the house at 12:30, that Sam Sheppard was asleep on the couch?

A Yes, sir.

Q Did that strike you as strange, that a man who was your

host should go to sleep in your presence?

A No, it did not.

Q And will you explain that to -- your answer to the jury?

A Well, I have seen Sam Sheppard go to sleep on many occasions at our house and also down at his place.

Q So there was nothing strange about that situation or that incident that night?

A No, sir.

Q And did you know the reason for Sam Sheppard sleeping at various times at your house and in his own house in the presence of guests?

MR. DANACEAU: Objection.

MR. PARRINO: Objection.

MR. MAHON: Objection to that.

How would he know?

THE COURT: Sustained.

MR. CORRIGAN: I don't know, unless

I --

MR. PARRINO: We are making an objection.

THE COURT: Objection sustained.

MR. CORRIGAN: What is it, Tommy?

MR. PARRINO: I say, we are making an objection to the Court.

Q Now, was it characteristic of Sam Sheppard to go to sleep in

the middle of a party?

A It wasn't unusual.

Q Well, this was a question that was asked you at the inquest on July -- was this question asked you at the inquest on July 22nd, and I am reading from Page 188.

MR. MAHON: Now, wait a minute.

I want to object to what he is reading. If he has a question to ask him, let him ask the question.

MR. CORRIGAN: I want to inform you where I was reading from.

MR. MAHON: Let's not have any reading. Let's ask questions.

THE COURT: Well, that is the point.

MR. CORRIGAN: The only reason I said that, your Honor, was that I wanted to notify these gentlemen what I was reading from and the page I was reading from because I know they have this record.

THE COURT: I know, but Mr. Corrigan, you may not read unless you claim that he has said something contradictory there to what he says now. If you can do that, why it is all right.

MR. CORRIGAN: It is somewhat  
contradictory.

Q "Q" --

MR. MAHON: Wait a minute. I  
am objecting now, unless he puts a specific  
question to this witness.

Q "Did I ask you" --

MR. MAHON: Objection here.  
Let the Court rule on it.

THE COURT: The objection will  
be sustained unless Mr. Corrigan assures the  
Court that he is going to show now, by this  
question and answer, whatever they are, that  
they are contradictory to something that the  
witness has testified to now.

Q Is it a fact that Sam was quite a good sleeper?

MR. MAHON: Objection to that.

THE COURT: That Sam what? I  
didn't get the last word.

MR. CORRIGAN: Was quite a good  
sleeper.

MR. MAHON: Objection.

THE COURT: The objection will  
be sustained. He has said what he has seen.

MR. CORRIGAN: Except. If the

witness were allowed to answer, he would answer yes.

Isn't it a fact that he worked hard and slept hard?

MR. MAHON: Objection.

THE COURT: Objection sustained.

MR. CORRIGAN: Except. If the witness were allowed to answer, he would say yes.

MR. MAHON: Now, if your Honor please, if he wants to proffer something in the record here, let him get down and proffer it without telling it to the jury.

MR. CORRIGAN: I don't think the jury hears me.

MR. MAHON: I can hear you way back here.

MR. CORRIGAN: I don't think it will do any harm. The jury isn't going to pay any attention to it.

MR. MAHON: Now, if your Honor please --

THE COURT: Let's do it the usual way. We ought not to take any chance that the jury hears it, because it is not of interest at the moment, please.

MR. CORRIGAN:

Let me see, I get

interrupted and then I forget what I am doing.

Q Is it a fact that Sam going to sleep in the middle of a party wasn't a bit a unusual?

MR. MAHON:

Objection.

THE COURT:

Objection sustained.

(Thereupon the following was said out of the hearing of the jury:)

MR. CORRIGAN:

If the witness were

permitted to answer, he would say yes.

(Thereupon the following proceedings were had within the hearing of the jury:)

Q But the fact is that this going to sleep on the night of July 4th --

A July 3rd.

Q -- July 3rd caused no question in your mind?

A That's right.

Q It was not unusual?

A That's correct.

Q Now, then, Saturday afternoon, July 3rd, I suppose you were not working that afternoon?

A I think I was playing golf.

Q And what time did you get home?

A Around 5:00 to 5:30, as I recall.

Q Was Mrs. Sheppard there at that time?

A No, sir.

Q Did you know before you got home that you were going to the Sheppard's house for supper?

A I don't think so.

Q Your wife informed you?

A That's right.

Q Did you see Mrs. Sheppard when she arrived at your house?

A Yes.

Q And you say that was approximately 6:00?

A Yes, sir.

Q Did Chip come with her or had Chip come over -- that is, I am talking about the little boy -- had Chip come over before his mother came?

A I think they came together.

Q And then I suppose Mrs. Ahern and Mrs. Sheppard had some talk as usual?

A Yes, sir.

Q And where were the children?

A I think they were playing outside at the time, in and out.

Q You have a back yard?

A Yes, sir.

Q Now, did you join in the conversation with Mrs. Sheppard and your wife, or did you attend to something else?

A I was there at the time.

Q You were sitting there?

- A Yes, sir.
- Q And you say that -- how long then after the arrival of Mrs. Sheppard did Dr. Sheppard arrive?
- A He may have come at the same time. I don't recall.
- Q You have no recollection of that?
- A I am under the impression that they came together.
- Q I want you, Mr. Ahern, to stick exactly to what you remember, and if you don't remember it or if you have a doubt about it, say so, will you?
- A I just did, Mr. Corrigan. I said I think that they came together.
- Q Well, think expresses some doubt, doesn't it?
- A Possibly.
- Q Yes. So you are not sure about it, whether he arrived with his wife or he came later?
- A I think they came together.
- Q You think they came together?
- A Yes, sir.
- Q But you are not sure?
- A Not positive.
- Q All right. Now, then --
- A There may have been a few minutes intervening, I don't know about that.
- Q Well, Mr. Ahern, I am dealing with a first-degree murder case against Sam --



MR. DANACEAU: We object to his constant reiteration of what he is dealing with.

MR. MAHON: If the Court please --

THE COURT: Ladies and gentlemen of the jury, you will disregard that statement entirely.

MR. CORRIGAN: Well, just for the information of the witness.

MR. MAHON: The witness knows very well.

Q Now, then, at least there came a time in that evening that the four of you were together?

A Yes, sir.

Q For the first time that day?

A Yes, sir.

Q And what room did you occupy while you were together before anybody departed?

A In our breakfast room.

Q And you say that you sat around the breakfast room?

A Yes. We have a --

Q At this table, the four of you?

A That's right.

Q Did you have anything to eat?

A My wife may have served some hors d'oeuvres, I don't recall.

Q You don't recall that?

A No, sir.

Q And you say that you had a cocktail?

A Yes, sir.

Q Was it a cocktail or a fruit drink of some kind?

A As I recall, we had both whiskey sours and martinis.

Q Martinis?

A I think so, sir.

Q That is, that were prepared by your wife?

A Yes, sir.

Q And how many did you drink?

A Two.

Q And do you know how many Sam Sheppard drank?

A I don't think more than two.

Q Do you know if he drank two?

A Yes, sir.

Q How many did Marilyn Sheppard drink?

A Two. I think everyone had two.

Q I see. They were-- no one showed any effect from those drinks, did they?

A No, I should say not.

Q They were light, light drinks?

A Yes. Excuse me, what do you mean by light drinks, sir?

Q Well, sometimes, you know, you go in and you get a double whiskey. That is a heavy drink.

A The normal strength, I would imagine.

Q I say, they weren't heavy drinks, they were alcoholic, but not heavy?

MR. MAHON:  
what you mean by heavy.

He wants to know

THE COURT: They were whiskeys  
and martinis.

Q They were not doubles, is what I mean.

A They certainly weren't straight shots or anything like that.

Q I say, they were not doubles?

A No, sir.

Q And nobody was affected by them?

A No, sir.

Q Now, in the course of that meeting there, who was it departed first from the house?

A Sam was gone for perhaps a half an hour during that period.

Q Did Sam get a telephone call?

A Yes, sir.

Q And that was a call for him to come to the hospital on some emergency matter?

A That's correct.

Q And he left?

A Yes, sir.

Q That left you and Marilyn and Mrs. Ahern?

A That's right.

Q Now, you say that Marilyn left?

A Pardon?

Q You say that Marilyn left?

A Yes, sir.

Q And her departure was while Sam was gone to the hospital?

A That's right.

She proceeded in advance to look at the meat that was in the oven?

That's right.

And then Sam must have passed his house to come back to your house from the hospital?

That's right.

So when he got there he found out that Marilyn was gone?

That's right.

And then the three of you proceeded to the Sheppard home?

With my son Michael.

The other little girl had gone with Chip?

That's right.

You drove?

Yes, sir.

Your wife with you?

Yes, sir.

And Mike?

Yes, sir.

And Dr. Sheppard drove his car?

No, sir. As I recall, Dr. Sheppard rode in our car.

Well, how did he get back from the hospital to your house, do you recall?

I don't know. He may have walked up, I don't know.

But anyway he rode back in your car?

Yes, sir. I'm quite sure he did.

Q The three of you. When you got in the house, the two children -- the little girl and Chip had arrived before you and Mike joined them when you got there?

A That's right.

Q Did you observe what the children did or where they went?

A They may have been playing with the basket ball in the drive. I don't know for sure.

Q Oh, you are not sure of that?

A No, sir.

Q When you arrived at the house, you went in what is known as the back door?

A Yes, sir.

Q And that is the door that faces on West Lake Road?

A Right.

Q And as you go in that door, you enter a hallway?

A Right.

Q And that hallway leads to a large living room that extends across the north side of the house?

A Right.

Q And to the left of that, as you enter that hallway, is a door to the kitchen?

A Yes, sir.

Q And to the right is a door to Sam's office or Den?

A Right.

Q And the north side of that kitchen, the north wall of that

kitchen and the north wall of the den make the south wall of the living room?

A The wall of the den has nothing to do with the living room.

Q Well, isn't the wall of the den, the north wall of the den, the same as the south wall of the living room?

A No, sir.

Q What?

A No, sir.

THE COURT: You mean they don't  
back up to each other?

THE WITNESS: That's right.

MR. CORRIGAN: What?

THE COURT: They don't back up  
to each other, he says.

MR. CORRIGAN: I see. All right.

Q There is also, when you go into the kitchen, a door on the west wall at the north end of the kitchen that leads into the cellar?

A Yes, sir.

Q And at the south end of the kitchen, and on the west side of the kitchen there is a stairway that has three steps that leads to a landing?

A Yes, sir.

Q And that landing leads to a stairway that goes upstairs?

A Right.

Q In the kitchen there is a large picture window -- I guess they call it a picture window, that is on the south wall of the kitchen, whereby you can look out onto West Lake Road?

A That's right.

Q Now, the living room that runs along the north side of the house, as you get to the west side of that living room, there is an L that runs off it?

A That's right.

Q And at the south side of that L and on the east side of the room there is a similar stairway as that which is in the kitchen?

A Right.

Q Which leads up to this same landing?

A That's right.

Q So that you can walk upstairs either from this L of the living room or from the kitchen?

A Right.

Q Now, when you got in the house, can you say whether the children went down with you to the lake?

A They did not.

Q But how long were you in the house before you started down for the lake?

A Not very long, five minutes, 10 minutes.

Q Did you have anything to drink before you went down to the



lake?

A No, sir.

Q Was there anything to drink served that night?

A No, sir.

Q Outside of the cocktails that you had in your own home along about 6 or 6:30?

A No, sir, there was not.

Q There was nothing served with the dinner?

A No, sir.

Q Before the dinner or after the dinner?

A No, sir.

Q Had you known that there was a party arranged for the next day at Sam Sheppard's house?

A I didn't know there was going to be a party. I did know that Sam had invited a number of interns up for skiing.

Q Well, did you learn that before you came to Sam Sheppard's house on that day?

A No, I did not.

Q You learned it when you got there?

A Yes.

Q That he had arranged the next day, being the 4th of July, that there was to be some kind of a skiing party for the young men that worked in the hospital who were doctors there?

A That's right.

Q Did you learn that there had been some provision made in

the way of securing some light repast?

A No, I did not, sir.

Q You didn't know that?

A No, sir.

Q Did you learn it during the evening?

A No, I didn't hear about it.

Q What?

A I did not.

Q Were you invited to come down to the party?

A Yes.

Q And your wife?

Yes, sir.

Q So that when you left the house at the hour that you did that night, you contemplated being back there the next day?

A Yes, sir.

Q To enjoy this pleasantplay that you did enjoy?

A Yes, sir.

Q Who was it extended the invitation to you?

A I think it was Sam.

Q Now, then, you went down to the shore of the lake -- I will withdraw that.

When the jury was out there the other day, they viewed the shore of the lake, and at that time the water was -- there was no beach, the water was right up to the edge of the piers there, or the pillars, whatever it is, used to

hold back the bank. That beach changes, does it not?

A Yes, sir.

Q From time to time?

A Yes.

Q When the wind is blowing one way, the waves come in and cover the beach?

A That's right.

Q And when it is blowing another way, the waves go out and a beach is created?

A Right.

Q And when you went down this afternoon, was there a beach?

A There was no sand showing at the time.

Q Well, could you walk down there?

A No, you could not.

Q That is, you stood up on the platform?

A The platform, that's right.

Q But when you went down on the 4th of July, on the morning of the 4th of July, there was a beach?

A Yes. It had receded. There was perhaps six feet.

Q What time in the morning of the 4th of July were you down there, do you recall? 7:30?

A Near 8:30.

Q And at that time the beach extended all the way along over to Huntington Beach?

A I don't recall how large it was, but there was some sand

exposed.

That is, you could walk down there without getting your feet wet?

Yes.

Now, then, after this discussion, you came back up, how were you dressed that day?

I had a cord suit on.

What?

I had a cord suit on, light weight.

Cord suit?

Yes.

A coat?

Yes.

Your own coat?

Yes, sir.

And what kind of a pair of pants?

Well, it was a suit. The trousers matched the coat.

The trousers and the coat matched?

Yes.

MR. MAHON:

What day are we talking

about now?

MR. CORRIGAN:

I am talking about the

3rd of July.

MR. MAHON:

You were talking about

the 4th a minute ago.

MR. CORRIGAN: I am talking about  
the 3rd of July. You know what I am talking about?  
(To the witness).

THE COURT: Saturday afternoon and  
evening?

MR. CORRIGAN: Yes.

Q You understand my question, don't you?

A Yes.

Q You know I am talking about the 3rd of July?

A Yes.

Q The evening of the 3rd of July?

A Yes, sir.

Q And you had on a coat and a trousers to match?

A Yes.

Q Do you recall what kind of shirt you had on?

A I do not.

Q Do you recall what kind of socks you wore?

A Sweat socks.

Q Do you recall what kind of shoes you wore?

A Brown loafers.

Q Did you have a tie?

A I did not.

Q Did you have a hat?

A I did not.

Q Now, when you came back from the beach -- as I understand it, you told Mr. Danaceau that when you were sitting on the porch and you were eating your supper, it was rather chilly and somebody got a jacket and gave it to you?

A That's right.

AQ I was just wondering now why you should get a jacket if you had a coat? Why wouldn't you get your coat and put it on?

A The coat I had with me I had on. It was still too chilly while sitting on the porch not to have something else on.

Q It was a thin coat, then?

A Yes.

Q I see. Well, the reason that you got a jacket was because this coat that you were wearing didn't furnish you sufficient protection?

A Right.

Q Now, when you came back into the house, where were the children?

A I don't recall exactly.

Q Well, you told us that eventually you went down the cellar?

A That's right, we did.

Q Now, how long were you in the house before you went down into the basement?

A Just a few minutes. Five or 10, perhaps.

Q The children were very familiar with Dr. Sheppard?

Yes, sir.

They all called him Sam, didn't they?

Right.

You tried to get them to call him Dr. Sam, and they still persisted in using the familiar term of Sam to him?

That's right.

Now, I have a reason for asking this question -- I have reason for asking all my questions, but a special reason for asking this question --

MR. DANACEAU: We object to this, if the Court please. There is no reason for these preliminaries. If he has a question, let him ask it.

MR. CORRIGAN: I think I ought to be --

MR. DANACEAU: This isn't a theater or a stage, or anything. Let's have the questions and the answers, and that's all.

THE COURT: Let's use the customary method of question and answer.

MR. CORRIGAN: Well, I ask that the remarks of counsel be stricken from the record. "This isn't a theater or stage." He has no right to say that.

THE COURT: Let the record show that

he objects and the objection is sustained, and the counsel was asked to follow the customary rule of question and answer.

Q When you got back into the house, do you recall that the children, or your children, especially Mike, clustered around Sam -- how old is Mike, by the way?

A Nine.

Q Like a nine-year-old boy, and asked him, "Sam, take us down to the cellar and show us the punching bag," or something like that?

A Something to that effect.

Q Did he grab ahold of his hand?

A I don't recall.

Q You do not recall?

A No, sir.

Q And Sam, then, and you started down into the basement that leads off the kitchen door?

A That's right.

Q That leads off the kitchen. When the four of you got down into the basement, then Sam -- was he showing all the children or just Mike?

A Principally Mike.

Q And the jury has seen that punching bag that is over in the northwest corner of one of the basement rooms.



That's right.

Q Now, Mike was too small to get up to the bag, wasn't he?

A Right.

Q So Dr. Sheppard secured a basket --

A Either a basket or a box, I don't recall. Something.

Q Well, he secured something and placed it under the punching bag and lifted Mike up on the punching bag and demonstrated to him, and showed Mike how to hit it?

A MR. DANACEAU: Not on the punching bag. On the box.

Q On the box?

A Yes, sir.

Q I do get my language mixed up. How long were you down there?

A 10 or 15 minutes.

Q During the time that this demonstration of 10 or 15 minutes was going on, did you see Dr. Sheppard touch the children?

A What do you mean "touch them"?

Q Put his hands on them?

A I don't recall.

Q He lifted Mike up, didn't he?

A Yes.

Q Did at any time, did he tossle his hair such as by rubbing his hand over the head of the boy?

A I don't recall.

Q You don't recall?

A No, sir.

Q Or any of the other children?

A No, sir.

Q You do not recall that. Now, then, you came back after this rather pleasant little foray into the cellar, and where did you go to when you came out of the kitchen -- or came out of the cellar?

A I don't recall if it was at this time that Sam and I got in a discussion regarding the remaining smoke odors that affected the house at times, or not.

Q But sometime before dinner it was?

A Yes, sir.

Q And the question of the smell remaining in the house was discussed by you and Sam?

A Yes, sir.

Q And did Marilyn participate in that?

A She did not.

Q Where did that discussion take place?

A It started in the basement, in the boiler room, as I recall.

Q Well, did you go into the boiler room to see if you could get the smell in there?

A Yes.

Q And that is, as I understand, part of your business, to

eliminate smells?

Yes, sir.

And then from the boiler room did you go upstairs?

Yes, sir.

And did you go up the kitchen steps to the landing, or up from the L that I have heretofore described?

From the kitchen.

Did Sam go with you?

Yes, he did.

You walked back into the room that has been identified as Hoversten's room?

Yes, sir.

The stairway goes up in a northerly direction?

Right.

And when you get to the top of the stairway, there is a hall that runs east and west?

Yes, sir.

Directly across from the top of the stairway is the door to a bedroom?

Yes, sir.

That is the room that you know now Marilyn was murdered in, don't you? Well, you have heard that?

As I recall, her room was off to the left.

Well, all right. We will leave that go. But, anyway, there was a door to a room directly at the top of the stairway?

Yes.

And then as you went east, there was another room on the --  
or there is another room on the north side of the house?

Yes.

Do you recall that while you were up there that day that  
you made the observation that there was a lot of children's  
toys in it?

I didn't look into it.

You didn't look in that room?

No.

Or you didn't look in this other room that I have referred to?

I glanced at it.

But you did not go into it?

No, sir.

At the west end of the house, and at the south of this  
hallway, there was another room?

Yes.

Did you go in there?

No, sir.

You walked back to -- you walked west along this hallway,  
and you came to a room that was in the southwest section  
of the building?

No, sir.

Southeast?

1 Southeast, yes, sir.

2 Southeast section of the building, and you went in that room?

A Yes, sir.

Q The first room, was there anybody in it that you remember?

A No, sir. The only bedroom I was in is the last one that you have reference to.

Q What's that?

A The only bedroom that I was in was the one that had been occupied by Dr. Hoversten.

Q And that is at the --

A East end.

Q East end of the house?

A Yes, sir.

Q And next to the garage?

A Yes, sir.

Q And is over the office that is known as Sam's den?

A That's right.

Q Did you notice, when you went in that room, that it was somewhat in disarray?

A I recall the bed had not been made.

Q Did you notice that there was clothing and grips on the floor?

A I did not.

Your only recollection of that room is that the bed was not made?

Right.

Q You have nothing further that you recall about what you saw there?

A No, sir.

Q You came downstairs and discussed the question -- did you smell any smoke up there while you were there?

A Just faintly.

Q That was not cigar, cigarette smoke, but smoke that had come from the previous fire, in your opinion?

A Yes, sir.

Q When you went downstairs, do you recall whether you went into the kitchen or went into the living room?

A I do not recall.

Q But you eventually -- where is the next place that you recall being?

A Shortly thereafter we went out to the porch to have dinner.

Q Now, then, you started dinner about 8:30 in the evening?

A Perhaps a little later. About that.

Q Or a little later?

A A little later.

Q And as I understand it, Marilyn served the dinner?

A Yes, sir.

Q And you sat around, and you had a pleasant evening?

A Yes, sir.

Q And there was nothing that you observed that portended

the tragedy that was later to occur in that house?

No, sir.

Now, I will ask you if there wasn't a berry pie served at that dinner?

Yes, sir.

What?

Yes, sir, there was.

And you know that that pie was especially prepared for Sam by his wife?

Yes, sir.

Now, after you had completed the dinner at, you say, about 10, 10:30 --

Yes, sir.

-- then you went home?

Yes, sir.

With the two children. Did you lock your house before you went down to the Sheppards?

No, sir.

You did not?

No, sir.

You left the doors open, front and back?

I think so. Well, now, we may have had the door locked on the lake side, I don't recall.

But the door on the street side was not locked?

I don't think so.

Was the garage locked?

No, sir.

Now, then, when you put the children -- you put them to bed, did you?

Yes, sir.

Did you lock the door then, when you left?

Yes, sir.

But the period from, say, 6 o'clock in the evening until you got back there at 10:30, 10, 10:30 at night, your house was unlocked?

Yes, sir.

THE COURT: Could you break off there?

MR. CORRIGAN: I can break any time, your Honor. I think Mr. Ahern should have a recess.

THE COURT: Ladies and gentlemen of the jury, we will have a few minutes' recess.

Please do not discuss this case.

(Thereupon a recess was taken at 3:05 p.m., until 3:20 p.m., at which time the following proceedings were had):

By Mr. Corrigan:

Mr. Ahern, when you came back after putting the children to



bed, you walked -- was the door to the Sheppard home -- you came in the back door?

Yes, sir.

Was the door open or closed?

Open.

And when you came in where was Mrs. Sheppard, your wife and Sam Sheppard?

I think they were all sitting in the living room.

Are you sure about that?

Marilyn was -- no -- Marilyn was not sitting. She was in the L-shaped part of the living room near the fireplace as I came in. She was talking to Chip.

You have seen, I suppose have noticed the fireplace there many times?

Yes, sir.

And did you notice, or have you noticed that at the fireplace there are various fire tools?

I am not positive.

Did you ever notice that?

I think there are. I cannot be positive.

That is, pokers and things of that kind?

I think so.

And did you notice also at the fireplace that there were sticks of wood?

Logs, small logs.

Small logs that you could reach and take hold of with your hand?

Yes.

Now, when you came back, was the television going?

Yes.

And where was Sam?

I think he was sitting in the living room when I came back.

In which part of the living room?

In the long part which runs east and west.

Where in reference to the television?

He was sitting pretty much in front of it.

Q As I understand you answering Mr. Danaceau, I thought you said that he was sitting on the floor?

A I said that he could have been sitting on the floor at one time. I also --

Q Was that when you came in?

A If not when I came in, shortly thereafter.

Q Which part of the room did he sit on the floor?

A It would be up fairly close to the wall, just about where the "L" portion of the living room develops, if I make sense.

Q Well, as I recall the room, as I saw it, the couch was on the east wall of the living room in the "L" of the living room?

A Right.

Q And the front of the couch, or one end of the couch reached up to the south wall of the living room?

A That's right.

Q And the other end of the couch reached back to where these stairs went off the "L" to go upstairs?

A That's right.

Q By the way, were you familiar with that couch? Had you ever sat on it or used it?

A I think I have. I certainly have seen it many times.

Did you notice that the pillows were pillows that -- well, you could lay on them and they would bounce back into shape?

A I don't recall.

Q You don't recall that?

A I do recall there were two pillows normally on it.

Q They were rather large pillows?

A Fairly large.

Q You don't recall that they were sort of this -- what do you call that?

MR. GARMONE: Foam rubber.

MR. CORRIGAN: What?

MR. GARMONE: Foam rubber.

Q You don't recall that they were foam rubber?

A I do not.

Q Now, as you walked in the back door and got into this hall, was there anybody within your view, either your wife or Sam Sheppard or Mrs. Sheppard, your wife, Sam Sheppard or Mrs. Sheppard?

A As I came in the back door?

Q Yes.

A I do not think so.

Q So that would it be possible for you to have entered the kitchen without anybody seeing you?

A Perhaps.

Q All right. Now, then, Sam, you say, was sitting on the floor at the point where the room turns into an "L", like as if this was -- the front of the jury box was the south

wall and the west side of this jury box was the east wall, Sam would be sitting in what would be approximately the corner here?

A About.

Now, he could have been sitting in a chair.

Q But you are not sure about that?

A I recall he was definitely there, so he was sitting in a chair or sitting on the floor.

Q He was definitely there, but whether he was on the floor or on a chair you are not definite?

A That's right.

Q Do you recall where Marilyn was?

A At that time she was in the L-shaped portion of the living room talking to Chip.

Q And where would you say that was in reference to the bottom of the stairs?

A Well, she was nearer the steps leading up from the living room.

Q And having some conversation with Chip?

A Right.

Q And did you notice that Chip went upstairs after that conversation?

A Yes, he did.

Q And where was your wife, just what part of the living room was she in?

A She was sitting on one of the three chairs that would be pretty much in front of the television.

Q Now, let me ask you this, Mr. Ahern: When we were out there the other day -- and I am referring to what the jury saw -- on the south wall of the living room there were two red chairs.

A Yes, sir.

Q And in between those two red chairs I think was a little table with a lamp on it, and they were three-quarter, sort of a three-quarter chair.

A Yes, sir.

Q So that you could put the two of them together and make one seat.

A Right.

Q That is the type of chairs they were.

A Yes, sir.

Q Now, were those chairs there in that position on that night on the south wall of the living room with a little table in between?

A I am not positive of that, that that little table was there, but those chairs were there.

Q I see. Now, over in the -- we saw ; in the northwest corner of the room a table.

A Yes, sir.

Q And with some chairs adjacent to that table.

A Yes, sir.

Q And I remember that there was a radiator on the north wall of the living room?

A Yes, sir.

Q And on top of that radio -- on top of that radiator was a radio, a small radio.

A Yes, sir.

Q Was that the radio that you were using that night?

A Yes, sir.

Q And was that where you were sitting as you listened to it?

A For a while I was sitting next to that small table. Later on I moved over and sat in one of the chairs.

Q And then at the far end of the living room, that is, at the east end of the living room, there was another table, a round table, rather large dining room table with some chairs around it?

A Yes, sir.

Q And that was there that night?

A Yes, sir.

Q Now, the door -- there is on the rear of that house and running across the entire front of the house a screened-in porch?

A Yes, sir.

Q And the door that leads from the living room the screened-in porch is on the north wall and to the east side of the living

room?

A Yes, sir.

Q And directly north of that door that leads out of that living on to the porch is a screen door that leads out into the yard?

A Yes, sir.

Q And it was out on that porch that you had that supper that night?

A Yes, sir.

Q Now, going back to the location of these people after you came back, and what was done, that is, after you came back from your own home, and what was done, you listened to the ball game, and did you see Sam move during that evening so that he was in close proximity to his wife?

A Yes, sir.

Q At about what time was that, or how long after you had come in?

A That was perhaps 11:00.

Q 11:00?

A About.

Q And when he did that, will you describe to the jury just what you mean by close proximity that he was to his wife?

A Merely that Sam and Marilyn were sitting together on the same chair.

Q Now, which chair were they sitting on?



- A It would be one of those chairs that you just described.
- Q One of those chairs that I described as the three-quarter red chairs on the south wall of the living room?
- A Yes, sir.
- Q And they were sitting there together?
- A Yes, sir.
- Q And did either one of them have an arm around?
- A I don't recall.
- Q You don't recall?
- A I do not.
- Q Mrs. Sheppard, how was she dressed?
- A I think Marilyn had on white shorts.
- Q Yes. Anything else you remember?
- A Some kind of a colored blouse. I think she had on some white beaded moccasins.
- Q And did she wear any socks?
- A I think so, anklets.
- Q Do you remember the color of them?
- A I do not.
- Q And your wife was dressed how that evening?
- A I think she also had on shorts.
- Q Well, are you sure?
- A Pardon?
- Q Are you sure?
- A Yes, sir, I am quite sure.

Q She had on shorts?

A Yes, sir.

Q And moccasins?

A No. I think she had on brown loafers.

Q Do you recall what upper garments she had on?

A A blouse of some kind.

Q Do you know the color of it?

A I do not.

Q Now, did she wear a coat?

A She had on something. She did, but I don't recall exactly what it was, but she had something on.

Q She had something on?

It might have been a sweater that she wore over her blouse.

Q But particularly you do not remember what it was, particularly?

A Not definitely.

Q I see. Now, then, while Sam and Marilyn were sitting together on this chair, which would bring us to about 11:00 that night, you and your wife were sitting on the other chair?

A Yes.

Q And I believe that I heard your wife testify at the inquest that she sat on your lap?

A That's right.

Q Was that after you were listening to the ball game or before?

- A That was during.
- Q What?
- A That was during.
- Q During the ball game?
- A That's right.
- Q And in the meantime, the television was going on, the picture, whatever it was, was being shown on the television?
- A That's right.
- Q And you were carrying on a conversation, I take it?
- A Probably not too much in that I was -- we were listening, at least I was listening to the ball game.
- Q Well, as you listened to the ball game did you hear him announce the score?
- A Oh, yes.
- Q That was the ball game, as I remember -- I listened to it, too, and that was the ball game, I remember, went 15 innings.
- A I think so.
- Q Between Cleveland and Chicago.
- A Right.
- Q And I believe, if I remember right, Hank Majeski hit the double that won the game for Cleveland; do you remember that?
- A I think you are right.
- Q Yes. And then it was during the progress of that ball game that Sam went over and lay down on the couch?

A That's right.

Q And when he lie on this couch, in what position did he lie down?

A He watched --

Q If you remember? If you can't remember, don't tell me.

A Yes, sir; I remember this: That he did watch television for a while prior to going to sleep.

Q Yes.

A So to watch television he would be on his stomach.

Q That is, his head, then, was towards the north end of the couch?

A Yes, sir, yes, sir.

Q And the television, then, would be over on the wall, the north wall?

A Yes, sir.

Q And you say that he was lying on his stomach?

A Yes, sir.

Q And with his head kind of up, looking at this television picture?

A Yes, sir.

Q Did you notice when he fell asleep?

A Not at the precise moment, but it was just a few minutes after he went over to lie down on the couch.

Q Then you noticed that Sam had fallen into this slumber?

A Yes, sir.

Q Which didn't surprise you?

A No, sir.

Q And how long did you remain, then, in the house after Sam fell asleep?

A Oh, a half hour to 45 minutes.

Q And during that time was Sam asleep all the time?

A Yes, sir.

Q Do you recall that once -- I don't know whether she did it or not, but I heard this -- that once during the showing of the television, that Marilyn said to Sam or went over to Sam and said, "Wake up, Sam, the picture is getting good," or something of that kind?

A Yes, I recall such a remark.

Q And do you remember that Sam raised his head sleepily and looked at it and then fell back to sleep?

A I didn't look at him at the time, but I do recall he mumbled something and went back to sleep.

Q Yes.

Now, then, after the ball game was over, you departed?

A Yes, sir -- no, after the movie was over.

Q After the movie was over. The ball game had been completed by now?

A No, sir.

Q Well, did you hear all the ball game?

A I heard the conclusion of it at home.

Q Oh, at home?

A Yes, sir.

Q And the movie was over. Do you recall what movie it was?

A (No response.)

Q To refresh your recollection, was it Strange Holiday?

A Strange Holiday.

Q Yes. Now, then, did you go directly home?

A Yes, sir.

Q And what did you do when you got home?

A Went directly upstairs to our bedroom.

Q And went directly to bed?

A Yes, sir.

Q Until you were awakened the next morning by the call of Mayor Houk?

A Yes, sir. I listened to the balance of the base ball game before I went to sleep.

Q Did your wife lay down there and listen to it, also?

A I think she went to sleep prior to the conclusion of the game.

Q You are not sure about that?

A Yes, sir, she went to sleep before the game was over.

Q Now, then, when you got the news from Mayor Houk, he telephoned to you?

A Yes, sir.

Q And then during the course of the morning you were visited

both by Mayor Houk and Lieutenant Hubach?

A Hubach.

Q Hubach?

A Yes, sir.

Q Lieutenant Hubach of the Bay Village Police Department?

A That's right.

Q Did they come together?

A Yes, sir.

Q And can you tell about what time it was when they arrived at your house?

A I think about a quarter of seven, somewhere between a quarter of seven and 7:00.

Q Did they take a written statement from you or just a verbal statement?

A I didn't sign my name to anything.

Q Well, Mr. Hubach and the Mayor took some notes, was that it?

A Jay Hubach took the notes.

Q Were both you and both Marilyn -- or you and Mrs. Sheppard -- Mrs. Ahern questioned together?

A Yes, sir.

Q In one of the rooms of your house?

A Yes.

Q And the questioning was conducted by Lieutenant Hubach?

A Yes, sir.

Q And the Mayor sat there while it was going on?

A Yes, sir.

Q How long did it take?

A Possibly half an hour.

Q Then later did they get another statement from you?

A Yes, sir.

Q And when was that?

A As I recall, that was taken on the following Tuesday.

Q And where was that taken?

A That was taken over at the City Hall in Bay Village by I think, Mr. Rossbach and a policeman by the name of Drenkhan.

Q You recognized Mr. Rossbach as being a Deputy Sheriff out of Sheriff Sweeney's office?

A Yes, sir.

Q And Mr. Drenkhan is a police officer of Bay Village?

A Yes, sir.

Q Were both you and Mrs. Ahern there at the same time, on that Tuesday when the statement was taken?

A No, sir.

Q You were there alone?

A Yes, sir.

Q Was there later another statement taken from you?

A Yes, sir.

Q And where was that taken?

A That was taken in Mr. Mahon's office.



Q That is, the gentleman who is the prosecutor?

A Yes, sir.

Q And was your wife along with you or were you there alone?

A I was there alone.

Q Did you make a written statement then?

A Yes, sir.

Q Was there later another statement taken from you?

A Yes, sir.

Q Where was that taken?

A In the Cleveland Police Department, in the Detective Bureau, as I recall.

Q Do you recall when it was in Mr. Mahon's office with reference to the 4th of July?

A I would say about -- I don't know. It might have been two or three weeks later.

Q And the statement that was taken in the Cleveland Police Department, do you recall when that was, whether it was July or August?

A That was in August.

Q In August?

A I think, the first part.

Q The statements that were taken at the police station in Bay Village, the City of Bay Village, the statement taken by Mr. Mahon and the statements taken in the police department of the City of Cleveland were all written statements?

A Yes, sir.

Q And you were alone?

A Yes, sir.

Q Was there any statements taken after that? I don't mean testifying, I mean written statements where you were quizzed by somebody?

A No, sir, that was all.

Q That was all?

A Yes, sir.

Q Now, after the visit of Mr. Hubach or Lieutenant Hubach and Mayour Houk you went over to the Sheppard home?

A Yes, sir.

Q You arrived there about what time?

A Sometime after 8:00.

Q Had Marilyn's body been removed at that time?

A No, sir.

Q It was still there?

A Yes, sir.

Q When you got there -- your wife accompanied you?

A Yes, sir.

Q Did you go in the house?

A Not at that time.

Q Where did you go first?

A We went down to the beach, not literally on the beach, up on the boat landing.

Q When you arrived, were there any people around the house?

A Yes.

Q Will you tell me who they were, that you remember?

A Dr. Gerber.

Q Where was he when you first saw him?

A On the south side of the house, in the yard.

Q In the south side in the yard?

A Yes, sir.

Q That would be towards West Lake Road?

A That's right. Carl Rossbach.

Q Carl Rossbach?

A Yes, sir.

Q That is the Deputy Sheriff?

A Yes, sir, in about the same general area.

Q Yes. You didn't know him at that time?

A No, sir. Some members of the Bay Village police were there.

Q Where were they?

A I think in the same general area.

Q Yes.

A There were quite a number of people there. I think they were the only officials.

Q But there was quite a number of people in the yard?

A Yes, sir.

Q And around the house?

A Yes, sir.

Q And in the back of the house and in the front of the house?

A Yes, sir.

Q Were there people down on the beach?

A No, sir.

Q You walked down there by yourself?

A With my wife.

Q The two of you walked down?

A Yes, sir.

Q And then you discovered that the beach was different than it was the night before when you were down there with Sam?

A Yes. The water had receded some.

Q Now, when you came up from the beach, did you go into the house?

A I did not.

Q Where did you go?

A No place in particular. We went out on the south side of the house and talked to Friends.

Q Who were the friends that were there that you talked to?

A Oh, let's see, I think Otto Graham was there, Cliff Lewis, Bud Corrigan.

There were a lot of people there.

Q A lot of people around the back of the house?

A Well, near the road, not on the property much.

Q Otto Graham, he is a foot ball player?

A Yes.

Q And Cliff Lewis, what does he do?

A Cliff Lewis is now in the insurance business.

Q And Bud Corrigan, who is he?

A A friend of mine that lives out there not too far away.

Q The same name as mine?

A Yes, I know.

Q What does he do?

A He is with a steel company.

Q And a number of other people that you don't recall that were neighbors?

A Yes.

Q And did you notice a number of boys around the house, teenagers?

A Yes.

Q And how many, would you say? Did you recognize any of them?

A Young Larry Houk, as I recall, was one of the group. I don't recall the names of the others.

Q And a number of boys of his age, about 16?

A Yes.

Q Could you give me, Mr. Ahern, an estimate of the number of boys that were around that yard that morning?

A Six or eight.

Q Well, now, after you stood at the south side of the house talking to these various people -- that is where you did stand when you came up from the lake, the south side, is

that right?

A That's right.

Q Did you go into the house?

A No, sir.

Q Did you go into the house at all that day?

A Late in the afternoon.

Q When you left -- or did you leave and go home?

A Yes, sir.

Q Without going in the house?

A Yes, sir.

Q And your wife accompanied you?

A Yes, sir.

Q Now, what time did you return back to the residence of Sam Sheppard that day?

A I don't recall exactly, inasmuch as I was back and forth perhaps a half dozen times during the day.

Q Well, each time that you came back, was there still this congregation of people around the premises?

A There were always some people around there, yes, sir.

Q And some people you recognized and some you didn't recognize?

A Yes, sir.

Q Do you recall what time it was when you come back the second time?

A Probably 9:30.

Q When you came back the second time?

Did Mrs. Ahern come with you?

A She did not.

Q When you come back the second time, where did you go?

A No place in particular. I did not go in the house.

As I recall, I spent most of my time out near the road talking to people.

Q To people that were neighbors, and so forth?

A Yes.

Q And there was a lot of curious people, I suppose, that had assembled by that time?

A Yes.

Q The house wasn't roped off at that time?

A Not at that time. It was fairly well patrolled.

Q Now, then, you stayed there how long on the second occasion?

A Perhaps half an hour.

Q And then you went back home?

A As I recall, I think I stopped at Spen Houk's place.

Q Did you spend some time with Mr. Houk?

A Yes.

Q And discussed the tragedy?

A Yes.

Q Do you recall what time you came back again?

A I do not.

Q Well, at least you say that you came back a number of times?

A Yes, yes.

Q And you can't fix the different times that you came back  
as to time?

A No.

Q Would that be a correct statement?

A Well, I can't fix it specifically, no, some time had  
elapsed.



Q Now, then, there did come a time on one of those visits back to the house that you did go in the house?

A Yes, sir.

Q And who was in the house then?

A There was no one in the house at that time. I went in at the request of Dr. Gerber.

Q And where was Dr. Gerber when he made this request of you?  
A Outside.

Q Whereabouts, front or back?

A On the lake side.

Q Was there anybody with him at that time?

A No, sir.

Q Did you go in alone?

A I went in with Dr. Gerber.

Q And where did you go when you went in with Dr. Gerber?

A Downstairs.

Q Did he take a statement from you?

A He may have taken notes.

Q No written statement, but questioned you about the previous evening?

A Yes.

Q Is that right?

A Well, he had done that. The purpose of going in the house at that time was not for that.

Q He questioned you about the previous evening when you were standing outside?

A Yes, sir.

Q And then you went in the house I suppose to indicate where the furniture was, and so forth?

A Yes, sir.

Q And you pointed out where you were sitting and where Sam was sitting, and so forth?

A Yes, sir.

Q And gave him a full explanation of the events of the evening before?

A Yes, sir.

Q You were alone with him at that time?

A Yes, sir.

Q Do you recall what visit that was, whether it was the second, third, fourth, fifth or sixth visit you made to the house that day?

A That was the last visit.

Q So will you see if you can recall the time that that last visit was made?

A Late in the evening, perhaps 6 o'clock.

Q At that time were there reporters and photographers around the place?

A Yes, sir.

Q And there were photographers and reporters all over the place, weren't there?

A I don't recall how many there were.

Q Well, after you had this conversation with Dr. Gerber, where did you go then?

A I went home.

Q Did you at any time sit down in the house?

A No, sir.

Q Did you at any time sit down on the back porch of the house?

A Yes, I did.

Q Was that the time that you had this conversation with Dr. Gerber?

A That was prior to going into the house.

Q Prior to going into the house. At the time that you sat down on the back porch with Dr. Gerber, were there any reporters present?

A I did not sit down on the back porch with Dr. Gerber. I did sit on the porch, and there were reporters and photographers there.

Q They were all in the --

A Outside.

Q What?

A Outside of the porch.

Q Was there anybody in on the porch?

A No, sir.

Q None on the porch?

A No, sir.

Q Did you see any photographers or reporters in the house?

A No, sir.

Q At the time you were there?

A No, sir.

Q I see. These photographers and reporters were standing on the back -- in the back yard --

A The lake side.

Q Not the back. I get mixed up. On the lake side. That is the front yard?

A Yes.

Q Now, Mr. Ahern, I want to go back for a moment about this water and what you observed about water skiing, and then I think I am through. With a few more questions I will be through with my examination.

Do you recall ever seeing Sam Sheppard and Marilyn Sheppard skiing alone?

A Well, you will have to clarify that a little bit.

Q Well, wait a minute. Now, when you stand in your back yard or your front yard -- what do you call it, the front or the back at the lake?

A The front.

Q You call it the front yard. When you stand at your front yard or looking out of the windows, your front windows,

you have a view of the lake over in front of the Sheppards, a pretty good view of the lake?

A That's right.

Q Now, I am asking you if, at any time when you were in your own home and standing in your front yard, or in your house, looking out of the house, if you ever saw this man and his wife out on the lake?

A Yes, sir.

Q Together?

A Yes, sir.

Q Alone?

A Yes, sir.

Q And I will ask you if you ever saw them out on the lake alone skiing at dusk?

A At dusk?

Q At dusk, yes, when the night was beginning to fall?

A Yes.

Q And would you say that you observed that a few times or a number of times?

A Quite a few times.

Q Now, when you were enjoying these rather pleasant occasions of skiing together with your wife and Marilyn and Sam, do you recall this: That the only time that Marilyn would ski was when Sam would operate the boat?

A I am not sure of that.

Q To refresh your recollection, did you ever hear her say during those occasions when you were together skiing that she would not trust anybody else to pull her?

MR. PARRINO: Objection.

A I did not hear her say that.

MR. PARRINO: Just a moment.

THE COURT: Go ahead.

A I did not hear that, sir.

Q You did not hear that or anything to that effect?

A No, I did not.

Q But this you do know, don't you: That whenever she was pulled, Sam pulled her?

I do not recall having seen anyone else in the boat pulling other than Sam.

Q I see. All right. Now, do you recall that Sam would operate this boat in such a way, with the skier behind, that he could give it a whip or give the rope a whip, so that the skier would be tumbled off into the water?

A Can I have that once more?

Q Well, yes, sure. Do you ever recall that Sam would drive this boat with the skier holding on, and his ski shoes on -- what do you call those things?

A What do you mean? The skis?

Q The skis.

A The skis, period.

Q That is all they call them?

A Yes.

Q With the skis on, that he could operate the boat so that there would be a sort of a whiplash given to the ski rope?

A Oh, yes.

Q And that the result would be that the skier would be tumbled into the water?

A Unless he or she was real good.

Q Pardon?

A Unless the skier was real proficient at it.

Q Well, he used to pull the kids?

A Yes.

Q Did you ever see that happen where the kids would tumble off into the water?

A Sure.

Q Now, were you ever down there on occasions during the summer when you saw Sam teaching kids how to ski?

A Yes, sir.

Q He was a very friendly man and kindly to children?

A Yes, sir.

Q I want to go back to one other thing, which will be short, and which I think will finish with Mr. Ahern.

See if you know about this. We had some conversation about smoking that you recalled. I want to see if you can

recall this fact:

That the conversation about smoking had something to do with the convulsions that Marilyn had, some convulsions she had?

A I can recall the two comments separately, but I do not recall a conversation or comments where the smoking of cigarettes was tied in with the convulsions.

Q You say that you can recall the two comments separately?

A Yes, sir.

Q You have made ~~one~~ comment about the smoking, haven't you?

A Yes, sir.

Q Now, what is the comment that you can make about the statement of convulsions?

MR. DANACEAU: Statement of who?  
Of Marilyn's?

THE WITNESS: Yes.

MR. DANACEAU: We object to that.

THE COURT: He said he did not recall them in connection with any thought of convulsions.

MR. GARMONE: No, he didn't.

MR. CORRIGAN: No. He said they were separate. I put them together, but he said they were separate.

MR. GARMONE: Separate conversations.



THE WITNESS: I understood his question.

MR. PARRINO: Just a moment. May we have the question again?

(Thereupon the question was read by the reporter, as follows: "Now, what is the comment that you can make about the statement of convulsions?")

THE WITNESS: That is the question?

MR. MAHON: Comment by who?

MR. CORRIGAN: Comment by Sam Sheppard.

MR. DANACEAU: Well, I asked the question and he said "Marilyn." Then I objected to it.

MR. GARMONE: He made a mistake.

THE COURT: Mr. Ahern said he understands the question. All right.

THE WITNESS: Now, I cannot expand on what Sam's statement was other than I do recall having heard him say something about convulsions, something about smoking.

And that was in your presence and the presence of your wife and Marilyn?

Yes. I think that was one evening when they had dinner at our house.

Do you recall that it was during the period of her pregnancy,

during the last four months of her life?

A I rather doubt it, Mr. Corrigan, because I didn't know about her pregnancy until a week prior to July 4th.

Q But let me ask you this then: Was it during the last four months of her life, any time during the last four months of her life? If you don't remember, you tell us.

A I cannot remember.

Q What?

A I cannot remember.

Q I see. All right. Well, in that conversation, or in either one of those conversations, did you hear Sam state to Marilyn that if she would stop smoking he would get her a fur coat?

A I'm sorry, I don't recall that.

Q All right. You don't remember. Now, you played ball with him, you associated with him, you played basket ball with him, skied with him; did you ever see him lose his temper?

A No, sir, I have not.

MR. CORRIGAN: I think that is all.

MR. DANACEAU: Just a few questions.

REDIRECT EXAMINATION OF DON AHERN  
(At 4:07 p.m.)

By Mr. Danaceau:

When you took your children home and put them to bed, you say you locked the door?

Yes, sir.

Q And came back to the Sheppard home?

A Yes, sir.

Q And you came in on the West Lake Road side?

A Yes, sir.

Q And the door was open?

A Yes, sir.

Q Now, as you came in, I believe you testified that you observed that Chip had come down the stairway and Marilyn was at the foot of the stairway in the living room, is that correct?

A Yes, sir.

Q Well, now, that would be near the fireplace, isn't that correct?

A Yes, sir.

Q If you looked right straight from the point where you came in, you could see Marilyn Sheppard?

A It would have been possible.

Q And if she was facing in your direction, she could see you coming in, is that correct?

A Yes, sir.

Q Now, Mr. Corrigan repeatedly referred to the back porch.

That is on the Lake Erie side, is it not?

A Yes, sir.

Q And that is the front part of the house, is it not?

Yes, sir.

And, therefore, it would be the front porch as we have been using that term throughout the trial, isn't that correct?

Right.

THE COURT: Was it on the side toward the lake?

THE WITNESS: Yes, sir.

MR. CORRIGAN: That is the front porch. I always --

MR. DANACEAU: Well, I merely wanted to clarify that, because he repeatedly used the expression "back porch."

THE COURT: It is agreed that that is the front part of the house and that is the front porch.

MR. CORRIGAN: I am used to the front part of the house being toward the street and the back is the back.

THE COURT: It is confusing until you get used to it.

Now, I believe you also testified that you remained out in the -- withdraw that.

When you came to the Sheppard premises on Sunday morning,

you went down toward the beach, but you did not go to the house?

A That's right.

Q Dr. Gerber was there, was he not?

A That's right.

Q Is it not a fact that he would let no one go into the house?

A That's correct.

Q And that is the reason you didn't go in?

A Yes.

Q Throughout the whole day?

A Yes, sir.

Q Until he asked you to go in?

A That's right.

Q Now, one final question: Did Marilyn wear one of these floats when she went skiing?

A Yes, sir.

MR. DANACEAU: That is all -- just  
a minute.

Q When you say that the door was open when you came in, do you mean that it was unlocked or that it was ajar and that you could walk right in without having to push it open?

A It wasn't locked.

Q You mean --

A The door was closed.

Q The door was closed?

A Yes, sir.

MR. DANACEAU: That is all.

RECROSS-EXAMINATION OF DON AHERN  
(At 4:12 p.m.)

By Mr. Corrigan:

Q Did you see the newspapers the next day? Did you read them?

A I probably did, yes.

Q Do you recall that in those newspapers there was a great number of pictures of the interior of the house?

A I do not recall that, sir.

Q If you saw them would they recall your recollection?

A Probably.

MR. CORRIGAN: Get that --

MR. DANACEAU: We object to this,  
if the Court please.

MR. CORRIGAN: I am refreshing his  
recollection.

MR. DANACEAU: Well, certainly, to  
have the newspapers brought in this case through  
witnesses, when we are trying to keep them out --

MR. CORRIGAN: No. I am not going  
to give the newspapers to the jury.

MR. DANACEAU: I don't know what the

purpose of this other than that very thing.  
You have been squawking all the time about the newspapers, and yet you are doing everything you can to bring them into the case.

MR. CORRIGAN:                   The newspapers are not going in. I am just going to use them to refresh his recollection.

MR. DANACEAU:                   We object to this.

THE COURT:                   It is immaterial as to what he saw in a newspaper the next day.

MR. CORRIGAN:                   If he refreshes his recollection, it is material.

MR. DANACEAU:                   About what?

MR. CORRIGAN:                   Whether there was anybody in the house on the morning of July the 4th.

MR. DANACEAU:                   Well, he wasn't in the house until Dr. Gerber took him in late in the afternoon.

THE COURT:                   He said he went to the house several times during the day, was not admitted, but that in the evening Dr. Gerber was there and he went into the house, as I understood it, with Dr. Gerber.

THE WITNESS:                   That's right.

MR. CORRIGAN:  
press it.

I am not going to

THE COURT:

That is his testimony.

Q Did you see one picture where Dr. Gerber was taken in the house, where he had a club in his hand --

MR. DANACEAU:

Object to this.

Q -- and was demonstrating --

MR. DANACEAU:

Just a moment.

Object to this.

THE COURT:

Objection sustained.

MR. CORRIGAN:

Except. That is all.

(Witness excused.)

THE COURT:

Ladies and gentlemen

of the jury, without any formality at all we will now be adjourned until 9:15 tomorrow morning.

Please observe the caution which the Court has expressed to you. Do not discuss this case at all.

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(Thereupon at 4:20 p.m. an adjournment was taken to 9:15 o'clock a.m., Tuesday, November 9, 1954, at which time the following proceedings were had):