

TUESDAY MORNING SESSION, NOVEMBER 9, 1954

9:20 A.M.

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

DIRECT EXAMINATION OF NANCY AHERN

By Mr. Parrino:

Q Would you state your name, please?

A Nancy Ahern.

Q And what is your husband's name?

A Don Ahern.

Q And where do you live, please?

A 29146 Lake Road, Bay Village.

Q Do you have a family?

A Yes.

Q How many children do you have?

A Two.

Q What are their names and ages, please?

A Michael, nine; Leslie, seven.

Q Now, what is Mr. Ahern's business?

A Mr. Ahern has a National Return-A-Car, a transportation service, and Air-Kem of Northern Ohio, which is an odor counteracting business.

Q And where are his offices located?

A In the Film Building.

Q Where is the Film Building located, please?

A Across the street from this building, on Payne Avenue.

Q It is at 21st and Payne, across the street?

A Yes, 21st and Payne.

Q I take it you did know Marilyn Sheppard during her lifetime?

A Yes.

Q And for what period of time did you know her, approximately?

A Oh, approximately a year before July 4th.

Q You knew Sam Sheppard for approximately the same period of time, I take it?

A Yes.

Q Now, would you describe to the Court and jury the extent of your association with Marilyn Sheppard?

A Well, Marilyn and I belonged to several clubs together, and we were very close friends, enjoyed each other's company very much and saw each other quite often.

Q And how often would you see her, to the best of your knowledge, approximately?

A Oh, sometimes once a week, sometimes twice a week, sometimes maybe not for two weeks.

Q I see. And these visits would take place at her home, I take it, from time to time?

A Yes.

Q And would some of those visits take place at your home?

A Yes.

Q And at others places --

A Yes.

Q -- you would meet her and associate with her; is that correct?

A Yes.

Q Now, I wish to call your attention to the 3rd day of July of 1954. Did you speak with Marilyn on that date?

A Yes.

Q And what time of the day was that, please?

A I saw Marilyn the first time in the morning.

Q And where did you see her?

A At her home.

Q And who was present at that time?

A Just Marilyn and Chip may have been there.

Q Now, you had some conversation with her at that time, did you?

A Yes.

Q And how long did you remain there?

A For probably 10 or 15 minutes.

Q Now, did you see her again that same day?

A Yes.

Q And what time did you see her again?

A I saw her again when I brought something back from the

market for her, and I saw her again when she and Dr. Sheppard came that evening.

Q Now, you say you brought something back from the market for her?

A Yes.

Q And what was that, please?

A An orange juice reamer, I guess you call it.

Q Now, what time was it that you delivered that to her or brought that to her, about?

A Oh, sometime after lunch.

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Q Now, you say you saw her again that day?

A Yes.

Q What time did you see her again?

A Sometime after 6, when she and Dr. Sam arrived.

Q And when you say "they arrived," where did they arrive?

A At our home.

Q And when were the arrangements made for them to come to your home?

A In the morning.

Q Now, you say they arrived there at approximately what hour, please?

A Shortly after 6.

Q How long did they remain at your home?

A Until around 8, shortly thereafter.

Q And during the time that they were at your home, was Chip with them?

A Yes.

Q What did you folks do during that period of time?

A We talked and we had several cocktails. We just enjoyed ourselves.

Q And who prepared the cocktails?

A Mr. Ahern and myself.

Q And did you have something to drink that evening?

A Yes.

What were you drinking, if you recall?

A Whiskey sours.

Q And did Marilyn have something to drink?

A Yes.

Q What was she having, if you recall?

A The same as I.

Q And did Don and Dr. Sheppard have something to drink?

A Yes.

Q And what were they drinking, please?

A I think martinis, both of them. I can't recall for sure whether Mr. Ahern had whiskey sours or martinis.

Q And I take it you had seen Dr. Sheppard drink on former occasions prior to that?

A Yes, usually before dinner.

Q Now, how many drinks did Dr. Sheppard and your husband have, if you recall?

A I think about two is all.

Q Now, after the two-hour period during which they were at your home, what did you do then?

A Then we went down to the Sheppard home for supper.

Q What time did you arrive at the Sheppard home, approximately?

A I would say around 8:30.

Q Now, who was preparing the meal that evening?

A Mrs. Sheppard.

Q What time did you people have your dinner that night, approximately?

A Probably 9.

Q Where was that dinner eaten?

A On the front porch for the adults, and the children were served in the kitchen.

Q That is to say, you, your husband, Marilyn and the defendant ate on the porch, is that correct?

A That's right.

Q Now, would you describe the weather conditions there as you sat on the porch that evening, and just describe what, if anything, was done?

A Well, it was a little windy, and a little chilly, and Dr. Sheppard got a jacket for himself, and on my way into the kitchen I took a jacket out of the closet of Dr. Sheppard's, and put it around Mr. Ahern's shoulders.

Q Do you recall whether or not the men and the children went down into the basement at any time that evening?

A Yes. They went down before dinner.

Q Before dinner. I see. And what was Sam wearing before dinner before they went down into the basement?

A Cord slacks, loafers, white sweat socks, a white T-shirt,

Q and a tan -- I'm not sure what kind of material it was --
A tan jacket.

Q I see. Was this the same jacket that he put on while you
A were eating your dinner as you were sitting out on the
porch there?

A No. He left that jacket downstairs. I cannot recall.

Q Now, of what did the meal consist that evening, please,
A Mrs. Ahern?

A As well as I can remember, it was cottage ham, apple
A sauce, rye bread, salad, vegetable and pie.

Q And who served the meal?

A Mrs. Sheppard and myself together.

Q Now, I take it that everyone was pretty hungry at that
A hour of the night?

A Yes. I was very hungry that evening.

Q Did you folks -- withdraw that?

A Did Marilyn Sheppard eat her entire meal that evening?

A As I remember, we all ate very well.

Q Now, after the meal was completed, what, if anything, was
A done with the children?

A After the dinner was over Mr. Ahern took my children home,
and Chip was told to go to bed, or Mrs. Sheppard took him up.

Q How far do you live from the Sheppard home?

A Well, between the Sheppard home and ours there are seven
lots and five houses.

Q Now, you say your husband took your children home, right?

A Yes.

Q And then I take it that after a short time he returned, is that correct?

A Yes.

Q Now, upon his return was Chip still around, do you recall, or not?

A I don't recall that.

Q Well, eventually, then, Chip, I take it, did go to bed?

A Yes.

Q And who took him to bed, if you recall?

A I don't know for sure, but Mrs. Sheppard always tucked him in.

Q I see. Now, after Chip was put to bed, what is the next thing that was done there that evening?

A After Chip was in bed, Mr. Ahern returned and we all watched television.

Q I see. Now, after supper, I take it, the dishes were cleared from the table on the porch, is that correct?

A Yes.

Q Now, when you say the porch, you mean the porch that fronts Lake Erie, isn't that correct?

A Yes.

Q On the northern side of the house?

A Yes.

Q Now, the table was cleared?

A Yes.

Q And were the dishes cleaned, washed?

A Yes.

Q And by whom was that done?

A Well, I did some, and Mrs. Sheppard finished the job.

Q I see. Now, will you describe the door there that fronts on the northern side of the house on the porch facing Lake Erie?

A Well, it is a medium sized door.

Q Well, let me ask you this question: Did you do anything relative to that door any time that night?

A Yes. When I came off the porch with the last of the dishes, I closed the door and locked it.

Q Now, would you describe to this Court and jury how you locked that door?

A The door has a small round knob on it, as I remember --

Q I haven't seen it in a long time -- and it also has a night chain, and I turned the knob and put the night chain on.

Q Now, if I have any more questions, would you please answer them?

A Yes, I will answer them to the best of my ability.

Q Now, I am going to ask you another question, and I want you to answer it as truthfully as you can.

A Yes, I will answer it as truthfully as I can.

Q Now, I am going to ask you another question, and I want you to answer it as truthfully as you can.

Q In other words, Mrs. Ahern, as you closed that door, you turned this knob locking the door, is that correct?

A It is a small -- the knob that opens the door, but it is a small lock knob, yes.

Q Then you say that you also attached the night chain on the door, is that correct?

A Yes.

Q All right. Now, after Chip was put to sleep, I take it that you folks just sat around and talked for a while?

A Yes.

Q Now, what else was done there that evening in the way of entertaining yourselves?

A Well, we talked as friends will, and watched television. That's about all.

Q I see. Well, was the radio on that night?

A Yes. Mr. Ahern and I think Dr. Sheppard on occasion were listening to the ballgame.

Q Now, was the television set functioning properly that evening?

A No.

Q And what, if anything, did you do relative to that situation?

A When we first turned it on, the top half of the television you couldn't see, and so I suggested to Dr. Sheppard that I adjust it in the back, and did he know where there was a mirror. And there wasn't one downstairs, so I went up the

stairs and Chip was there, and I asked him if he knew where there was a mirror. And he went in to Dr. Hoversten, or where Dr. Hoversten was staying, in his room, and got a mirror and gave it to me, and I came down and adjusted the television.

Q And with the use of the mirror, you say?

A Yes. Could you describe the positions of these people?

Q And how did you do that? In memory?

A You hold the mirror in front of the television and you reach behind the set and turn the little screws that are in the back. After that, those was you adjusted.

Q Did you fix it? Or was it broken?

A Yes.

Q It worked, did it? Those chairs is an arm chair, and a ring

A Yes. And we sat in another one up above.

Q Fine. Now, after you repaired the television, Mrs. Ahern, you folks just sat around and talked and watched the TV and listened to the radio, is that correct?

A Yes, sir. We sat alone. Mrs. Ahern?

Q The ballgame was on in Cleveland, was it? All game -- or

A Yes. And the baseball game.

Q Now, where were you seated that evening, please, while you were watching the TV? Those two chairs, is that correct?

A I was sitting in an arm chair.

Q Where was this arm chair located? These chairs, is that correct?

A Across from the television, not directly across, to the west of the couch that Dr. Sheppard was on later in the evening.

Q Now, you say that -- how many chairs of that same type are there at that point, please?

A There are four in the living room.

Q Now, would you describe the positions of these chairs, please, to the best of your memory?

A Yes. Almost directly across from the television are two arm chairs with a table and lamp in between.

Q Are these stuffed chairs, those that you described?

A Yes. They are sort of circular.

Q Yes.

A And to the left of those chairs is an arm chair, and during the evening we pulled another one up alongside of it.

Q I see. And from those positions you folks were watching the TV, is that correct?

A Yes.

Q And were you seated alone, Mrs. Ahern?

A I was when Mr. Ahern was watching the baseball game -- or listening to the baseball game.

Q Yes. Now, you say that there were these two stuffed chairs there, a table between those two chairs, is that correct?

A Yes.

Q Now, where did the Sheppards get these chairs, do you know?

A I loaned those chairs to Mrs. Sheppard until she could decide what she wanted for her living room.

Q When did you loan those two chairs in the living room to Mrs. Sheppard?

A I don't recall exactly, but it was maybe a month before.

Q Beg your pardon?

A I don't recall exactly. It may have been a month before.

Q Now, at the time that you had this conversation with Mrs. Sheppard concerning loaning her these chairs, was Sam Sheppard present, if you recall?

A I don't remember.

Q And where in your home did you have these chairs before you loaned them to Marilyn?

A In the upstairs.

Q In the upstairs?

A Yes.

Q And in what room in the upstairs?

A I don't even remember, Mr. Parrino. They were extra chairs.

Q You were not using them yourself?

A Yes.

Q Now, on July 4th, did Sam Sheppard, if you know, own any automobiles?

A Yes.

Q What types of automobiles did he own?

A He had a dark green Jaguar and a black --

- Q Just a moment, please. A dark green Jaguar?
- A Yes.
- Q And what else, please?
- A And a black Lincoln Continental.
- Q Now, as time went on that evening, you were watching the movie on the television, I take it; is that correct?
- A Yes.
- Q Well, how late did you and your husband remain there that evening, Mrs. Ahern?
- A Until the late movie, which was Strange Holiday, was over, and I think it was shortly after 12:00.
- Q I see. Now, where in the room was the defendant at the time you left?
- A Dr. Sheppard was lying on the couch.
- Q And will you describe to the jury his position as he was lying on the couch?
- A He was on his stomach with the pillow under his head and his arms under the pillow, like so. (Indicating).
- Q Now, in what direction was his head facing?
- A Towards the television.
- Q That would be toward the north, is that correct?
- A Yes.
- Q Now, as you people were leaving or prepared to leave, was the defendant awake or asleep?
- A Asleep.

Q And will you describe to the jury, please, how Sam Sheppard was dressed at the time you folks left?

A Dr. Sheppard had the same clothes he had on earlier in the evening, but he had his brown corduroy jacket on that he had had on the porch during dinner.

Q And was he wearing a T-shirt at that time?

A Yes.

Q Showing you what is marked for identification as State's Exhibit No. 7, will you look at this corduroy jacket, Mrs. Ahern, and tell the jury if you recognize it?

A That looks like the jacket Dr. Sheppard had on.

Q As he was asleep on the couch?

A Yes.

MR. PARRINO: At this time, your Honor, I want to offer State's Exhibit No. 7.

THE COURT: I think it has been offered and received.

MR. PARRINO: Fine.

Q Now, at the time that you were there that evening, how was Marilyn dressed that night, please?

A As I remember, she had on white shorts, a blue shirt, boy-type shirt, and a checked jacket with a zipper that goes up the front.

Q Now, Mrs. Ahern, can you tell us some of the activities, if any, in which Marilyn Sheppard participated in in Bay

Village while you knew her?

A Yes.

Q Will you tell us of them, please?

A Marilyn bowled, and quite well; she was a member of our Junior Women's Club; she was the president, I think, of the Hospital Auxiliary, the Bay View Hospital. I may not have the correct --

Q Title?

A Title. She played golf and water skied..

Q And was she rather efficient at water skiing?

A Yes, very good. Dr. Sheppard --

Q What?

A Yes, very good. Dr. Sheppard taught her how. She also played tennis.

Q She played tennis, also, you say?

A Yes.

Q And was she very efficient at that game?

A Yes, I think she played very well.

Q And you say you knew her to be a bowler, is that correct?

A Yes.

Q And was she very efficient at bowling?

A Yes, she bowled quite well.

Q Now, did she have some work with basket ball at the school, do you recall?

A Oh, yes. She coached the girls' basket ball team over at the High School on Saturday afternoon.

Q And did you ever see her do that?

A No, I never saw her.

Q So you do not know, then, whether or not she was efficient at that?

A No. I only heard that she did very well.

Q And, in other words, Mrs. Ahern, would you say that Marilyn Sheppard was a rather athletic person? Is that correct?

A Yes.

Q And rather good at athletics, would you say?

A She did most everything well that she tried.

Q And how about golf?

A She was just learning. Just starting.

Q Do you know how long it had been since she had started to play golf?

A To the best of my knowledge, she had just started it within the last three or four months. She may have played prior to that time, but I didn't know about that.

Q I see. Now, for a moment, please, Mrs. Ahern, let's get back to the dinner that you folks had. Can you give this

jury an approximate estimate as to the time that dinner was finished that night?

A I think it was around 10.

Q About 10 o'clock. I see.

A I think.

Q Now, do you know whether or not the Sheppards had a dog at their home there?

A Yes. They had a female dog named Koko.

Q Would you describe the size of that dog, please?

A Well, Koko was a medium sized -- somewhat the size of an Irish Setter -- only --

Q Show us off the jury rail there.

A From here?

Q Yes.

A About so (indicating).

Q About 18 inches high, would you say, approximately?

A I would say, yes.

Q Did this dog ever bark at you at any time?

A Sometimes yes, sometimes no.

Q Now, when you would come to the door there at the home, you say sometimes the dog would bark at you?

A Yes.

Q And sometimes the dog would not bark at you, is that correct?

A That's correct.

Q Now, Mrs. Ahern, during the time that you knew Marilyn Sheppard, especially during the last four or five months, do you know of any marital difficulties between Sam Sheppard and Mrs. Sheppard?

MR. CORRIGAN: Object.

THE COURT: She may answer that.

The question is: Does she know?

Q Do you know of any?

A Not specifically.

Q Well, the point is: Do you know of any?

A Yes.

MR. CORRIGAN: Object.

Q And when did these things first come to your attention?

MR. CORRIGAN: Object.

THE COURT: Overruled.

MR. CORRIGAN: She says she doesn't know.

THE COURT: Oh, no. She said she did.

MR. CORRIGAN: "Not particularly."

MR. DANACEAU: Her answer was "Yes."

THE COURT: She said she did know.

MR. CORRIGAN: Go back to that answer.

Didn't she say "Not particularly"?

MR. DANACEAU: "Specifically."

THE COURT: And then she followed it up when asked to be specific, and said she did know.

All right, you can get it from the record.

MR. CORRIGAN: Never mind.

THE COURT: Will you read the last question and answer?

MR. CORRIGAN: I pass, your Honor.

THE COURT: She made it specific.

Q Now, when did your knowledge of these marital difficulties first come to your attention, Mrs. Ahern?

MR. CORRIGAN: Object.

THE COURT: Overruled.

Q When was that, approximately?

A In April.

Q Now, do you recall whether or not Sam Sheppard and Marilyn Sheppard left the city at any time and took a trip in the early part of the year?

A Yes. They were away I think the last of February and the first of March.

Q And do you know where they went?

A California.

Q Now, these marital difficulties that you described --

MR. CORRIGAN: Object to that. She

didn't describe any difficulties.

THE COURT:

She mentioned.

Q These marital difficulties that you mentioned, when did those take place -- when did you discover those, before or after this trip to California?

MR. CORRIGAN: I object.

THE COURT: When did she hear of them? She may say that.

Q Was that before or after the trip that they took to California?

A After.

Q And from what source did you learn of these difficulties?

A From Mrs. Sheppard.

Q From Marilyn Sheppard?

A Yes.

Q Where were you when you learned of these things?

A At her home.

Q Now, will you tell this jury what Marilyn Sheppard stated to you concerning that situation?

MR. GARMONE: Objection.

MR. CORRIGAN: Wait a minute. I object.

THE COURT: We ought to fix a time perhaps as near as the witness can fix it, and the Court will allow it. I take it it was at

the home. She has already said that.

MR. CORRIGAN: Well, my objection, your Honor, is not to the time. My objection is to the fact that what this lady -- she had some conversation with Marilyn Sheppard, that Marilyn Sheppard is dead. They were not in the presence of anybody but herself and Marilyn Sheppard, and they fall within the hearsay rule, and for that reason I object to any conversation that took place between this lady and Marilyn Sheppard.

MR. PARRINO: My only thought is this, your Honor: On the basis of the opening statement of Mr. Garmone that the last four or five months of the married life of the defendant and Marilyn Sheppard were the happiest, we feel that certainly Marilyn Sheppard, though she be not here at this time, her statements in that regard would be the best evidence, or certainly very competent evidence as to whether or not the situation existed as was represented in the opening statement.

THE COURT: It is the Court's judgment that the questioning here doesn't quite

come within the hearsay rule that Mr. Corrigan particularly refers to, so far, at least.

All right. It is overruled.

MR. CORRIGAN: You will allow the conversations of the dead woman with this woman?

THE COURT: Yes.

MR. CORRIGAN: How are we going to refute it?

THE COURT: It is conversation with Mrs. Ahern and not with Dr. Sheppard.

MR. CORRIGAN: Well, I know, but he wasn't present, your Honor. There wasn't anybody present. We now have the situation, your Honor, where a woman is repeating a conversation with a woman who is dead.

THE COURT: Yes. It is overruled. We will hear it.

MR. CORRIGAN: Of course, we except.

Q Now, where did this conversation take place? I think you stated at the Sheppard home, is that correct?

A Yes.

Q And would you tell this Court and jury who was present at that time?

A Just Mrs. Sheppard and myself.

THE COURT: We haven't yet quite established the time.

MR. PARRINO: That is what I am about to do, your Honor.

Q And to the best of your recollection, will you give us the month that this thing happened?

A I think it was in April.

Q In April of 1954?

A Yes; it was after her trip to California.

Q Now, will you state to the Court and jury what Marilyn Sheppard stated to you at that time?

MR. CORRIGAN: We object.

THE COURT: Overruled.

MR. CORRIGAN: Except.

A Mrs. Sheppard said that on Dr. Sheppard's return from Los Angeles with Mr. Chapman -- with Dr. Chapman, rather, the Sheppards were the Chapmans' house guests, I believe -- Dr. Chapman told Mrs. Sheppard that Sam was thinking of a divorce, and told Chappie, as she called him, about it on the trip home.

MR. CORRIGAN: Told who?

THE WITNESS: Chappie, as Mrs.

Sheppard called him.

A (Continuing) On the trip to the ranch where Mrs. Sheppard

Q was staying with Mrs. Chapman, Dr. Chapman and Dr.
A Sheppard discussed it, and Dr. Chapman convinced Dr.
Sheppard that he and Marilyn were right for each other,
and that they should try again.

Q Now, was that the extent of the conversation, as you
recall it?

MR. CORRIGAN: I ask that be
stricken out and the jury instructed to
disregard it.

THE COURT: Overruled.

A There was another segment of the conversation regarding
a watch that Dr. Sheppard had bought a young lady in
California.

MR. CORRIGAN: Wait a minute.

THE WITNESS: Excuse me.

MR. CORRIGAN: I object to this
conversation.

THE COURT: Overruled.

THE WITNESS: Shall I proceed?

MR. PARRINO: Continue, please.

THE COURT: I take it that this
conversation is also with Marilyn Sheppard?

THE WITNESS: At the same time.

THE COURT: At the same time?

All right.

Q

Continue, please.

A

Mrs. Sheppard mentioned the watch, and I asked her how she knew about it, and she said that she had either seen -- or seen Dr. Sheppard write an expense chit for it, or she had found it, I'm not sure which she said.

Q Now, was that the extent of the conversation, as you recall it?

A Not completely.

MR. CORRIGAN: My objection, your Honor, is continuing, I presume?

THE COURT: Yes. Let the record show that the objection continues and exceptions noted to the Court's ruling.

A (Continuing) I asked Mrs. Sheppard if she wasn't upset about the watch, and she said that it happened when Dr. Sheppard was in California, before his return to the ranch. That is pretty much the whole of the conversation.

Q Now, who is Dr. Chapman, please?

A Dr. Chapman is a very good friend of Dr. Sheppard and was a very good friend of Mrs. Sheppard, and I think Dr. Sheppard received a great deal of his training from Dr. Chapman.

MR. CORRIGAN: Is this something that the lady knows of her own knowledge or something she has heard?

THE COURT: Do you know that?

THE WITNESS: I know that from Dr. Sheppard and Mrs. Sheppard telling me. I don't know if I am saying it exactly as it should be.

THE COURT: But you are testifying

to information which Dr. and Mrs. Sheppard gave you?

THE WITNESS: Yes.

THE COURT: All right.

Q And was Dr. Chapman married?

A Yes.

Q And where did the Chapmans live, in what state?

A In California.

Q And do you know where in California they lived?

A I don't exactly know the name of the place. They called it -- Mrs. Sheppard always referred to it as Big ^USir.

Q That is in Monterey?

A It may be.

Q Now, I direct your attention again, please, to the time that you and your husband left the Sheppard home after you were there on the night of the 3rd. Did anyone direct you to the door that evening?

A Mrs. Sheppard.

Q And do you recall whether there were -- what lights, if any, there were on at the time that you left?

A There was a light in the living room.

Q Now, this light in the living room, where was that located, please?

A In the northwest corner of the living room.

Q And what kind of a light was that, please? Was it a floor

lamp or --

A No. It was a table lamp. I recall it had ivy under it.

Q Do you recall what other lights, if any, were on at the time you left?

A The only other light I remember was one in the den.

Q In the den?

A Yes.

Q Now, do you recall what, if anything further, the defendant, Sam Sheppard did there that evening while he was in the home?

A (No response.)

Q Did he go into the garage for any purpose?

A Yes. He went into the garage to get some glue to fix young Chip's airplane which had been broken.

Q And did he do that?

A Yes.

Q Now, I think you told us that you and your husband left, of course. By what door did you folks leave?

A The Lake Road door.

Q You were driving home, were you?

A Yes.

Q Now, when did you next return to the Sheppard home?

A About 7:30 or 8:00 the following morning.

Q And at that time you discovered the tragedy, of course?

A No. We learned of it earlier.

Q By what means did you learn it?

A Mayor Houk called us on the telephone -- called me, rather, and told me.

Q I see. After that call, of course, you hurried over to the Sheppard home?

A No, we didn't go -- that was around ten minutes after 6:00 that he called. We didn't go until 7:30 or 8:00.

Q I see.

MR. PARRINO: You may inquire.

CROSS-EXAMINATION OF NANCY AHERN
(10:00 o'clock, a.m.)

By Mr. Corrigan:

Q Mrs. Ahern, you have just stated that in a conversation that you had with Mrs. Marilyn Sheppard sometime in April of this year, that Marilyn told you that she heard of this conversation that Sam had with Dr. Chapman, and Dr. Chapman told Mrs. Sheppard that Sam was looking for a divorce, and Dr. Chapman convinced Dr. Sheppard not to get the divorce; is that right?

A Yes.

Q That is what you stated this morning to the jury.

Mrs. Ahern, you have been in the Sheppard house many times?

A Yes.

Q And you are familiar with the upstairs rooms?

A Yes.

Q On the north side of the house there are two rooms. The room in which Marilyn was murdered and then next to it is the room in which the little boy slept?

A Yes.

Q Now, in both those rooms there are two windows?

A I don't know for sure, Mr. Corrigan.

Q You don't know. Is there a window on the north side in either one of those rooms?

A Oh, I am quite sure there is.

Q You are quite sure there is?

A I am sure there is. Whether there's two or one I am not sure.

Q There is at least a window in each room?

A Yes.

Q And those look out on the top of the front porch, those windows?

A I don't know, Mr. Corrigan. I've never been upstairs except in the evening.

Q I see. Well, you have been out in the back of the house many, many times?

A Oh, yes.

Q And you have observed the back of the house many, many times -- or the front of the house? I am always calling that the rear of the house.

A Yes.

Q So when I am talking about the part of the house towards the lake and I use the word back, you know that I mean --

A Certainly.

Q -- what I mean, the front of the house.

Well, did you observe during the many times that you were in that front yard that the top of the porch sloped down slightly from the front of the house?

A Yes, I probably did.

Q Did you notice that there is an apple tree?

A Yes.

Q That's an apple tree that you can step up into?

A I don't know about that, but it is low -- it has low-hanging branches.

Q Low branches. Did you notice that when you stand in the apple tree, that you can look into the windows of the --

A I've never climbed the apple tree.

Q Well, you don't have to climb it to know that, do you?

A Well, I've never considered it.

Q Never considered it. All right. Now, your association with Mr. and Mrs. Sheppard was very friendly?

A Yes.

Q And you were very friendly with Dr. Sheppard?

A Yes.

Q And your children were very friendly with Dr. Sheppard?

A Yes.

Q Were they not?

A Yes.

Q Your children loved Dr. Sheppard, didn't they?

A I'm sure they did.

Q And he did many kind things for them?

A Oh, I think probably. Most of our friends do.

Q And he was kind and gentle to all the children around there, wasn't he, as far as you --

A I would say he was very kind.

Q What?

A I would say he is very kind to children.

Q Now, you went with him to a number of gatherings?

A Yes.

Q And you went away with him and his wife in the same automobile to some place in Pennsylvania to ski?

A Yes.

Q And you lived in the same room with him?

A There were eight couples. We had two large dormitories.

Q That is, I mean, your husband, as I understood yesterday, said when I asked that question that on this skiing trip you occupied a large room?

A Yes. Dr. and Mrs. Sheppard and Mr. Ahern and myself were in one of the large dormitories at the skiing resort.

Q Now, then, that was in February?

A Yes.

Q 1954?

A Yes.

Q Then you remember that they went to California?

A Yes.

Q And do you recall who stayed at the house and took care of
Chip during the time that they were in California?

A Mr. and Mrs. Brown.

Q Mrs. Brown?

A Mrs. Brown, Marilyn's aunt.

Q And her husband?

A Yes.

Q You were acquainted with them?

A Yes.

Q Now, did you notice that the young folks in the neighborhood,
the boys, teenage boys and girls, used the Sheppard beach?

A Yes.

Q And they also played basketball in the front yard?

A Yes.

Q Did you ever see Sam teaching them basketball?

A Yes.

Q Did you ever see Sam teaching them how to ski?

A No. I think most of them learned to ski before we met
Dr. and Mrs. Sheppard.

Q But you went down there and your husband went down there --

A Dr. Sheppard taught us to ski.

Q Dr. Sheppard taught you to ski?

A Yes.

Q And also your husband?

A Yes.

Q And Marilyn was a very good skier, wasn't she?

A Yes. She had learned the summer before.

Q And she enjoyed skiing very much?

A Yes.

Q And from your location on the lake shore, of course, you could see the Sheppard beach and the lake out in front?

A If we are down swimming, we can, from our place.

Q Did you ever see them skiing in the evening?

A Oh, yes.

Q Alone, the two of them?

A Before dark.

Q I say, just the two of them?

A Yes.

Q Sam pulling Marilyn or Marilyn -- Sam pulling Marilyn?

A Usually.

Q Now, your husband used to go over and play basketball with Sam?

A Yes.

Q Do you recall an incident when your husband was playing basketball in his bare feet when he cut his foot?

A Yes.

Q And he --

A No, he didn't cut his foot.

Q Well, knocked a toe nail off his foot?

A He burned the bottom of his feet.

- 6
- Q Well, do you remember the toenail was knocked off?
- A No.
- Q You don't remember that?
- A I don't think there was.
- Q What?
- A I don't think there was.
- Q I see. Well, you would see Marilyn alone, she'd visit you alone?
- A Yes.
- Q You would visit her alone?
- A Yes.
- Q And in the association that you had with them, did you ever notice anything that indicated to you that there was estranged feelings between Dr. Sheppard and Marilyn, that they were estranged in any way?
- A No.
- Q Did they ever quarrel in your presence?
- A No.
- Q Was there anything expressed in your presence that indicated that one of these parties didn't like the other?
- A No.
- Q I suppose that during the time that you knew them in this close association you had with them, that you could not help but make some observation about their attitude toward one

another, could you?

A I would say that I probably could.

Q Would you say that they exhibited the attitude toward one another in your presence of two people who were in love with one another?

A That is rather hard to answer.

Q Why is it hard to answer?

A Mrs. Sheppard seemed very much in love. I was never quite sure about Dr. Sheppard.

Q But she seemed very much in love?

A Yes.

Q And you say you couldn't be quite sure about Dr. Sheppard. What did he do?

A Nothing I could put my finger on, Mr. Corrigan.

Q What did he do in your presence that indicated that he was not in love?

A Nothing.

Q Nothing. All right. In fact, the things that he did in your presence indicated that he was in love with her, didn't they? Didn't it? Take, for instance, the night of July the 4th -- the night of July the 3rd when you were in the room together and watching the television, isn't it a fact that the two of them were sitting together on the same chair?

A Yes.

Q Both together?

A Yes.

Q With their bodies close together?

A I would say.

Q Yes. All right. Now, wasn't there an occasion -- you knew Marilyn was pregnant, didn't you, or going to have a baby?

A Yes.

Q Wasn't there an occasion when you and Dr. Sheppard and Marilyn and your husband were together when there was a discussion about the fact that Marilyn had had convulsions?

A No. They weren't called convulsions.

Q Well, what were they called?

A Dr. Sheppard said that she had had a nightmare and that she was frothing at the mouth.

Q And he expressed concern over that, didn't he?

A Yes.

Q And there was some discussion about that being connected with smoking?

A I don't remember the smoking element.

Q You don't. Do you remember you tried treating it rather lightly and Marilyn treating rather lightly his concern about --

A Yes.

Q Do you remember later that you came and apologized to Dr.

Sheppard for treating his concern lightly?

A No. I mentioned it to Mrs. Sheppard, but not the doctor.

Q Well, did you express to Mrs. Sheppard the fact that you should not have treated Dr. Sheppard's concern lightly?

A No. I didn't say that I should not have treated it lightly.

Q What?

A I didn't say that I should not have treated it lightly.

Q What did you say?

A I asked her if Sam was still angry with me.

Q That is, when you treated it lightly, he expressed some disapproval of your method of treating this matter lightly that he was discussing about his wife's condition?

A Yes.

Q Now, you have gone over this testimony a number of times before you appeared here as a witness, Mrs. Ahern?

A Yes.

Q Who were the first people that talked to you about the events of the night of July the 3rd?

A Sergeant Hubach and Mayor Houk.

Q When did they come to your house?

A Around 7 of the morning of July 4th.

Q And did they secure a statement from you?

A No.

Q But they talked to you and found out what you knew about the events of the night of July the 3rd?

A Yes.

Q Now, was this coat mentioned by Sergeant Hubach?

A No, not as I recall.

Q It was not. Now, then, who were the next people that interviewed you?

A The following day we gave a statement to Mr. Drenkhen and Mr. Rossbach.

Q Well, that was the next people, Mr. Drenkhen and Mr. Rossbach?

A Oh, you are speaking of people that spoke to us about it?

Q Yes. I am talking of people that spoke to you about it.

A There were many that day. I don't really know, Mr. Corrigan.

Q I will ask you if the Coroner spoke to you that day?

A No.

Q I will ask you if two detectives by the name of Schottke and Gareau spoke to you that day?

A No.

Q They did not come to your house?

A No.

Q Nor secure a statement from you?

A No.

Q The only ones that discussed the matter with you on the 4th of July were Sergeant Hubach and Mayor Houk?

A Of people in official capacity, yes.

Q I suppose that other people, neighbors, and so forth, talked to you about it?

A Yes.

Q Well, after that who was the next person that you gave a statement to?

A My first statement was to Mr. Drenkhen, with Mr. Rossbach present.

Q Mr. Rossbach is a deputy sheriff, you know that?

A Yes.

Q Where was that statement given?

A At the Bay Village City Hall.

Q Were you alone? That is, were you alone when the statement was taken?

A Oh, yes.

Q When was the next time that this matter was inquired of you?

A When I gave my statement to Mr. Mahon.

Q When was the statement given to Mr. Mahon? That is Mr. Mahon here, Judge Mahon?

A Yes. I mean -- I'm sorry -- probably --

MR. CORRIGAN: Well, you are Judge,
aren't you?

MR. MAHON: Not yet.

A Probably three, four days after that.

Q And where was that given?

A In Judge Mahon's office.

Q And who was present at the statement in Judge Mahon's office?

A The secretary that recorded it, and Mr. Parrino.

Q That was the second written statement?

A Yes.

Q In the first written statement, did you say anything about the difficulties that you have recited here this morning between Marilyn Sheppard -- that she told you?

A No.

Q And the statement to Mr. Mahon, did you make any statement about the marital difficulties that Marilyn Sheppard told you?

A I don't recall that, Mr. Corrigan.

Q You don't recall. Do you recall about the date? Was it about a week after the murder of Marilyn Sheppard that you made the statement to Mr. Mahon?

A I think it was about a week, as far as I can --

Q Did you make another statement after you made the statement in the prosecutor's office?

A No. Are you speaking of signed statements?

Q What?

THE COURT:

Are you speaking of

signed statements?

Q Signed statements, yes.

A No, none other.

Q So those are the two signed statements that you made?

A That's right.

Q Well, did anybody else in authority come to see you to find out, or call/^{you}in to find out what you knew about the murder of Marilyn Sheppard?

A No one called me in.

Q Did anybody come to your house?

A No.

Q Did the police department of the City of Cleveland ever interview you?

A Oh, yes, many times.

Q Well, that is what I want to know. Now, when was the first time the Cleveland Police Department interviewed you?

A Oh, I would imagine a day or two after it happened.

Q And do you know who it was?

A The same men never came twice.

Q What?

A I don't think the same detectives ever came twice.

Q You don't think the same detectives came twice. Was there a series of detectives that interviewed you?

A Yes.

Q And how many times were you interviewed by the detectives of the Cleveland Police Department?

A Probably four or five. They were very short --

Q Where did those interviews take place?

Well, some in my living room at home, and one time -- well, I think of that one now, anyhow. I think most all of them were in my living room at home. I don't think I met them on any other occasion.

Q Did they ever bring you downtown to interview you, downtown at the Central Police Station?

A No.

Q In the Chief's office?

A No.

Q All the interviews, then, that took place by the Cleveland Police Department four or five times -- and they were different police officers each time -- took place in your home?

A I think one gentleman came twice, but he was interviewing most everyone in Bay Village. I remember the same gentleman coming twice.

Q The other times they were different men?

A Yes.

Q And you are sure now that you didn't come downtown on an interview in this matter, except the one occasion that you came down to the prosecutor's office?

A Yes. I came down one time on an interview, but you asked me if I came here.

Q No. I am asking you if you came down to be interviewed by

any police officers other than the interview you had with the prosecutor's office?

A Yes. Before the Coroner's inquest, I met once with Mr. McArthur and Mr. Gerber at my own request.

Q This is Mr. McArthur back here.

A Yes. Inspector.

Q Where did you meet Mr. McArthur?

A At the --

Q Central Police Station?

THE COURT: Coroner's office?

THE WITNESS: Yes. Coroner's office.

Q At the what?

A At the Coroner's office.

Q And that is out on Adelbert Road?

A Yes.

Q And what date was it that you were at the Coroner's office?

A It was before the second time I returned to the Coroner's inquest.

Q Well, let me see, the Coroner's inquest started on Thursday, July 22nd?

A Yes.

Q And it continued until Friday, July the 23rd.

A I must have gone either on the --

Q Wait a minute now. Let's see if I can refresh your recollection. It started on Thursday, July the 22nd, continued Friday, July 23rd, and then it adjourned Saturday and Sunday, that would be the 24th, 25th, and the 26th was Monday.

Now, you testified at the Coroner's inquest, didn't you?

A Yes.

Q And that Coroner's inquest took place out in a gymnasium out in Bay Village, you remember that, don't you?

A I think it was an auditorium, yes.

Q In a schoolhouse?

A Yes.

Q About 500 people present?

A I don't know. I didn't look.

Q Well, the place was filled, wasn't it?

A It probably was.

Q Well, didn't you see it?

A I didn't look to left or right.

Q But you were sitting up in front?

A Yes. I had the feeling it was filled, yes.

Q A large crowd of people?

A Yes.

Q Mostly women?

A That I don't know.

Q

And you testified there. Then was it after you testified that you went to the Coroner's office on Adelbert Road?

A

Yes. It must have been the 24th or 25th.

Q No. I am just asking this question, Mrs. Ahern --

A Oh, no, not just right after I testified. It was the following day or two.

Q Well, you testified on Monday?

A Oh, no. I testified first on --

Q On Thursday?

A On a Thursday, and then I was requested to come back the following Monday.

Q Yes.

A And I went to the Adelbert Street address either on Saturday or Sunday, which would be the 24th or the 25th, I guess.

Q How did you happen to go -- well, if you went on Sunday, you would remember that. Was it Sunday or Saturday?

A I am not sure. I think it was Sunday.

Q All right. How did you happen to go to the Coroner's office on Adelbert Road after you testified in the inquest on Thursday?

A Because I had been requested to come back on Monday and testify again, and I was rather upset about it.

Q So you went over to consult with those two gentlemen about your testimony?

A No. I didn't go completely to consult. I had been accused
not
by many people of/telling everything I knew, so I wanted to
get it off my chest.

Q Who accused you of not telling everything you knew?

A Oh, various people. I couldn't even pinpoint one.

Q Who were they?

A I couldn't even pinpoint one; various people: A man in a drug store, a friend -- I have no idea, people that called me on the telephone.

Q Well, let me see now, you testified on Thursday at the Coroner's inquest?

A That's right.

Q And then you were accused of not telling everything you knew, you stated. Now, what I want to know is who accused you of not telling everything you knew?

A I couldn't tell you, Mr. Corrigan, exactly now, it's been so long.

Q How would anybody know that you had not told everything you knew?

A Well, I had a telephone call or two saying that I was evasive at the trial, and it upset me because I had been.

THE COURT: No. The question

is, how would people know that you --

THE WITNESS: I don't think -- I

think it was probably guesswork.

Q Guesswork?

A Yes.

Q And was the thing that you were accused of not telling everything you knew this conversation that you had with

Marilyn Sheppard sometime in April?

A That's right.

Q How would people know that you had had the conversation with Marilyn Sheppard sometime in April?

A No one knew that there was anything definite, only I. It had been confidential, and I had not told the police when they asked me if I had given everything that I knew.

Q No. Here you have stated that the thing you were accused of not telling was the fact that you had a conversation with Marilyn Sheppard sometime in April?

A That's right.

Q Now, my question is: How would people know to accuse you of not telling about that conversation unless you told them?

A No, they didn't accuse me of not telling about that conversation. It was very general.

Q Well, you just stated to me now that that was the thing that you were accused of.

A No, I didn't say that.

Q Well, let me get it straight so we don't misunderstand one another.

A Yes.

Q After you had testified on Thursday --

A That's right.

Q -- then you say that it began to be rumored around --

A No, I didn't say that.

Q It began to be said around --

A I didn't say that, either.

Q Well, what did you say?

A As I recall, I said that people spoke to me and accused me of not telling everything I knew.

Q Now, that's right. And one man was the man in the drug store?

A No. I said I don't remember who it could have been.

Q I see. Well, the thing that it was rumored around that you hadn't told everything you knew was the fact that you had a conversation with Marilyn Sheppard in April in which she talked about Sue Hayes?

A Her name was never mentioned.

Q Her name was never mentioned?

A Never.

Q Well, there was a girl from California whose name was mentioned?

A That's correct.

Q What?

A That's correct.

Q Yes. And that was what you were accused of not telling?

A No. I think the people that accused me had no idea because they couldn't have.

Q Well, isn't it a fact, now, Mrs. --

A Ahern.

Q --Ahern, that when you came back and testified on Monday before the Coroner's inquest the thing you told was the conversation that you had with Marilyn Sheppard in April?

A That is correct.

Q Yes. And that was the thing that you were discussing when you went out to the Coroner's office?

A That is correct.

Q And that was the thing that you were accused of not telling?

A It couldn't have been, Mr. Corrigan, because nobody knew about it except me.

Q I know, but they did accuse you and the rumor went around the Village that you hadn't told everything you knew?

A Only because I was such a close friend of Mrs. Sheppard's.

Q I see. Now, then, you came back and told this under oath on July 26th?

A That what?

Q On July 26th?

A Oh, yes.

Q (Continuing) Under oath in the Assembly Hall at Bay Village, the conversation that you had with Marilyn Sheppard sometime in April?

A Yes.

Q Did you state at that time the same things that you have stated today?

- A To the best of my knowledge.
- Q I see. All right. Now, have you gone over your testimony with anybody before you came on this stand?
- A I spoke to Mr. Mahon and Mr. Parrino the first day I was called down here.
- Q Is that the only ones?
- A That is all.
- Q And is that the only time you have gone over your statements?
- A I think so.
- Q And have copies of your statements been furnished to you?
- A No.
- Q I see. On the 3rd day of July at this get-together of you and Mrs. Sheppard and Sam and your husband, not anything had been planned any great distance in advance?
- A Oh, no.
- Q Was it kind of arranged that morning?
- A Yes.
- Q When you went over to see her?
- A Yes.
- Q And you were going to the grocery store?
- A Yes.
- Q And she asked you to bring some things?
- A One thing.
- Q Some orange juice?

A An orange juice reamer.

Q Oh, an orange juice reamer. That is a machine?

A No. It is a little piece of equipment that has a sort of a --

Q Well, for squeezing out oranges?

A Yes.

Q Mechanically?

A Yes.

Q And about what time was that when you talked to her?

A It was close to noon, I think.

Q Had Mrs. Sheppard gone to the store that morning, do you know?

A I don't know.

Q You came back, then, sometime after noon and delivered the reamer?

A That's correct.

Q And everything was pleasant?

A Very.

Q And it was at that time that you said she invited you over and said, "Let's get together for dinner," or something of that kind?

A Yes.

Q "I'll get the dinner."

Did you bring any groceries to her?

A No.

Q She had secured her own groceries?

A Apparently.

Q You knew about the fact that the next day there had been arranged a sort of a skiing party, a 4th of July skiing party for the interns of the hospital?

A I learned of it that evening.

Q And you were invited to it?

A No.

Q Well, you didn't have to be invited, your association was so close that you could have walked over there and joined in it, if you wanted to; you knew that, didn't you?

A On the skiing, I am sure we could have.

Q Yes. Now, then, you didn't see Marilyn until sometime around 6:00?

A That's right.

Q Did you lock your door when you went up to the grocery store?

A No, I didn't.

Q You didn't?

A No.

Q You were out several times that day. Did you lock your door on any occasion that you went out?

A No.

Q All right. Now, then, Marilyn -- your husband, I suppose he was off on Saturday afternoon? Did he work on Saturday, do you recall, or was he off all day Saturday?

A I don't recall whether he worked that day or not.

Q I see. But he was there in the afternoon when Mrs. Sheppard arrived?

A Yes, he was.

Q And did the little boy come over before her, or did the little boy come over with her, her little boy?

A I am not sure. As I recall, he came over ahead of time.

Q I see. That is your recollection of it now?

A Yes.

Q And was Dr. Sheppard with her when she arrived?

A Yes.

Q The both of them came together?

A I think so, yes.

Q Are you sure?

A I was in the kitchen. I am quite sure they did.

Q Did they drive over?

A Yes.

Q And they came into the kitchen?

A Yes.

Q And the cocktails that were prepared were prepared by you?

A I prepared one drink and Mr. Ahern prepared the other.

Q I see. And those were consumed in the kitchen?

A Yes.

Q Sitting around the kitchen table in a very uninformal manner?

A Yes.

Q During the course of that sort of informal friendly afternoon meeting, is it a fact that Dr. Sheppard received a telephone call?

A Yes.

Q Before he received the telephone call, there was a discussion about his activities during that day, was there not?

A Yes.

Q That he had some operations and there was a tragedy occurred out in the Village?

A Yes.

Q Where a little boy's head was crushed by a truck?

A I don't recall that specifically.

Q Well, do you remember it was a little boy?

A Yes, it concerned a little boy, definitely.

Q That was fatally injured?

A Yes.

Q In some kind of a truck accident?

A Yes.

Q And Dr. Sheppard had worked on that a great part of the day in trying to revive the life of that little boy?

A As I remember, yes.

Q And when he sat down at the table, he told you that he was so shaken by the fact that he couldn't eat his dinner?

A He didn't tell me that. He was talking to Mr. Ahern

apparently.

Q Well, you overheard it, didn't you?

A I don't remember that particular conversation.

Q You don't remember that?

A No.

Q Well, you know this: That Dr. Sheppard had charge of the accidents out there in that hospital?

A Yes, he did.

Q And you lived there a year, and that is a high accident area, isn't it?

A Yes, exceedingly.

Q Is a very busy highway and there are quite a number of accidents occur there.

And do you know where the nearest hospital west of Bay View Village is, Bay View Hospital?

A I don't really know. It probably would be Lorain. I don't think --

Q In Lorain?

A Yes.

Q And the nearest one to the east is Lakewood Hospital?

A Yes.

Q It is a sort of an isolated hospital on a very busy highway?

A That's correct.

Q Now, this telephone call, as I understand it, Marilyn departed from the house to go over to see how the cooking

was going on, and did Dr. Sheppard leave on this emergency call before Mrs. Sheppard went over to the house to see about the cooking?

A Yes.

Q So that left the three of you there?

A Yes.

Q And Dr. Sheppard had departed?

A What did you say?

Q Dr. Sheppard had departed?

A Yes.

Q Then Marilyn went?

A Yes.

Q That left you and Mr. Ahern?

A When Marilyn left, I went up to change.

Q You went where?

A I went upstairs to change.

Q I see. Now, in the course of time Dr. Sheppard returned to your house?

A Yes..

Q As I understand it, Mrs. Sheppard and Dr. Sheppard arrived at your house about 6:00?

A It was thereabouts or shortly after.

Q And were there about an hour or hour and a half or maybe longer?

A Yes.

Q Well, let's get that straight, now. I believe you testified at the Coroner's inquest that you went to the -- that you started the dinner about 8:30?

A Probably, yes.

Q That would be two hours and a half after Mr. and Mrs. Sheppard arrived at your house?

A Yes. I don't think we left our house until about 8:00.

Q So that the Sheppard house was alone for a period of two hours, wasn't it?

A Yes. I would say so, yes.

Q Now, when Dr. Sam Sheppard came back from the hospital, then the three of you departed for the Sheppard house?

A Yes.

Q Now, how did you go from your house over to Sheppard's house?

A We drove in our car.

Q And what about Sam?

A Sam sat in the back seat with --

Q Where was his car?

A He must have left it at his house on his return from the hospital.

Q Yes. At least he must have walked from his house up to your house after he returned from the hospital?

A Apparently.

Q That would be the logical deduction you make?

A Yes.

Q Because he drove back with you in your car and sat in the back seat?

A That's right.

Q Of course, the distance from his house to your house is very short, I think there are three houses and then the cemetery and then another house and then your house; is that right?

A There are five houses and seven lots.

Q You are two houses beyond the cemetery, aren't you?

A We are, two houses west.

the 8

Q Now, then, when you arrived back at the Sheppard home, did you see Sam's car?

A I don't remember looking.

Q You told Mr. Parrino that he had two cars, a Jaguar, which is one of these low sort of sport cars, I think manufactured in England, and a Lincoln. You saw the Lincoln?

A Yes.

Q The Lincoln is a secondhand Lincoln, isn't it? It is not a new Lincoln?

A I don't know if I saw it that evening or not. It may have been in the garage.

Q What?

A I said I don't know if I saw it that evening when I came back or not. It was probably in the garage.

Q You have riddenⁱⁿ it, haven't you?

A Yes.

Q That was the car that you took when you went down to Pennsylvania to the skiing party, wasn't it?

A No.

Q What was it?

A We took the Mercury convertible that he traded for this Continental.

Q Now, when you got to the house, the three of you, where was Marilyn?

A In the kitchen.

- Q Are you sure?
- A To the best of my memory.
- Q What?
- A To the best of my memory now, she was in the kitchen.
- Q Well, are you positive about that?
- A Oh, no.
- Q I see. All right. When you arrived at the house was the back door open or closed?
- A Do you mean unlocked?
- Q No. Open or closed?
- A I don't know, Mr. Corrigan.
- Q Do you know who entered the house first?
- A No.
- Q You do not? All right. And your recollection of where Marilyn was is not clear?
- A No.
- Q Now, do you recall when you entered the house where you first went?
- A In the kitchen.
- Q Into the kitchen. And do you know whether the men came into the kitchen?
- A I don't think so.
- Q You don't know?
- A No.
- Q Or don't remember. What was the procedure after you got in

the house? What did you do?

A Oh, started to get dishes out, get things ready to serve dinner, set the table.

Q Were there any children with you when you came into the house?

A Oh, yes.

Q Who was with you?

A I don't know exactly.

Q Now, I suppose that the children -- let me see -- they were 7, 9 and 6. That was the ages of the children, two boys, Chip and Mike, and your little girl, who is --

A Seven.

Q Seven. They disported themselves around like children of their age would do?

A Yes.

Q You didn't pay much attention to them except to know that they were around there?

A That's right.

Q You didn't know what they were doing?

A That's correct.

Q You didn't pay much attention to them?

A No.

Q And the dog Koko, did you see him?

A I don't remember.

Q I see. Did you see the men go out of the house?

A Yes.

Q And where were you when they went out of the house?

A I don't know. I remember seeing -- I could have been walking between the kitchen and the lavatory and the den, or something, but I seem to remember them going out off the porch.

Q You have a recollection of the two men going off the porch?

A Yes. I may have heard them talking about it, I'm not sure.

Q Do you recall how your husband was dressed?

A Yes. He had on a cord suit.

Q Do you know what kind of shirt he had on?

A Yes. I think he had on his white business shirt.

Q A what?

A I think he had on his white business shirt, but I'm not absolutely positive.

Q You are not positive about that?

A No.

Q He may have had on a T-shirt, also?

A Well, he doesn't wear T-shirts in the summer under his other shirt if -- I mean, if he had a coat on over it.

Q Well, the recollection of that, and naturally so, is that you just don't remember what kind of a shirt he had on?

A I'm not absolutely sure.

Q All right. That answers it. Now, while you saw the men

out on the -- let me see -- was it out in the yard or out on the porch that you saw the men?

A I have the recollection of either seeing or hearing them talk about going off the porch. I either saw it out of the corner of my eye, or I heard it, I'm not sure which.

MR. CORRIGAN: Do you want to have a recess, your Honor?

THE COURT: Yes, it would be a good spot, perhaps, and then you will start again.

Ladies and gentlemen of the jury, we will have a few minutes' recess at this point.

Please do not discuss this case.

(Thereupon a recess was taken at 10:50 until 11:05 a.m., at which time the following proceedings were had):

By Mr. Corrigan:

Q Now, the next thing that you remember was, Mrs. Ahern, the thing that we were talking about before we went to recess, was the fact that the last you saw the two men they were out on the back porch, or on the back steps, or in the back yard?

A Yes.

Q Where they went you don't know?

A I am not sure where they were, but I had the feeling they

were out that way.

Q And where the children were at that time you don't know?

A No.

Q You don't remember all the details of getting the dinner ready and setting the table, and things of that kind?

A Not all the details, no.

Q Getting the table set on the front porch, who did that?

A Mrs. Sheppard.

Q And what did you do while Mrs. Sheppard was setting the table?

A I think I mixed the salad, probably, or something like that. I don't really know.

Q It necessitated the carrying of the food and the dishes from the kitchen?

A To the porch.

Q Along the hall?

A Yes.

Q Through the living room?

A Yes.

Q And on the porch?

A Yes.

Q And what you were doing while Mrs. Sheppard was setting this table and getting the food out, and so forth, you haven't any particular recollection of what you were doing?

A No particular recollection, no.

Q Did you turn on the television?

A No.

Q What?

A No.

Q Did you go upstairs?

A No.

Q Well, we will leave that that way.

Eventually the men came back into the house?

A Yes.

Q Did you see them come back?

A Yes.

Q They came in which door?

A I saw them come into the kitchen. They went through the kitchen down into the basement.

Q And when they went through the kitchen door -- or through the kitchen down to the basement, were they accompanied by anybody?

A The children.

Q All three of them?

A I think so.

Q Are you sure?

A No. I know both of the boys, young boys, were there.

Q But you don't know -- what is your daughter's name?

A Leslie.

Q What?

A Leslie.

Q Leslie?

A Yes.

Q L-e-s-l-i-e?

A Yes.

Q That is your daughter?

A Yes.

Q You don't know whether she went down or not?

- A No, I am not sure of that.
- Q Do you recall how long they stayed down in the basement?
- A Probably 5 or 10 minutes. I know it was something like that.
- Q Did you learn what they were doing in the basement?
- A You could hear it upstairs. You could hear the punching bag banging upstairs.
- Q That is, if you were in the front room?
- A No. You could hear it in the kitchen, too.
- Q You could hear it in the kitchen?
- A I don't know if you could hear the bag itself, but the door to the basement was open, and you could hear the banging.
- Q I see. Now, then, what did you do while they were down in the basement?
- A Finished getting things ready, I guess.
- Q But you are not sure?
- A Well, we were in the kitchen the whole time.
- Q And the men came up, and what occurred then?
- A The children sat down in the kitchen, and we put the food on their plates, and then we called the men after we had the rest of the things on the table on the porch.
- Q And where were the men when you called them?
- A I don't really know.
- Q I see. But, anyway, you finally got into the front porch to sit down to eat?
- A Yes.

Q Now, during the time that you were alone with Marilyn on that occasion and this dinner was being prepared, did she appear to be happy?

A Yes.

Q And gay?

A Yes.

Q Now, when you sat down to dinner, there were occasions when Mrs. Sheppard would have to get up and go to the kitchen and bring something in?

A Yes.

Q And she did that?

A I think once or twice.

Q Did you go to the kitchen at any time?

A Yes. When it came time for dessert I helped take the main course dishes out in the kitchen.

Q And the dessert was a berry pie?

A Yes.

Q And was there anything said about that berry pie?

A We all said it was very good.

Q But was there anything said about it in reference to Sam?

A I knew it was Sam's favorite. I don't know if anything was said about it at that particular time.

Q But you knew it was his favorite dessert?

A Yes.

Q And Marilyn had prepared that?

A Yes.

Q The evening at the meal was very pleasant?

A Very pleasant.

Q And as friends and companions, you discussed various things that were of interest to you?

A Yes.

Q Like Marilyn's golf game and athletics and the trip you had made, and so forth and so on?

A Things of that order.

Q And her activities and Sam's activities, your activities and your husband's activities?

A Yes, yes.

Q And after the dinner was over, which I understand was about 10:00 or thereabouts --

A Yes.

Q -- was it still light, do you remember?

A Oh, no, it was dark.

Q It had turned dark?

A Yes.

Q Of course, we were on daylight savings time at that time.

A That was the 4th of July.

A Yes, but it was dark.

Q That would be 9:00 in the evening, and you say it was dark?

A Yes. It seemed to be on the porch. Maybe if I had been out in the lake it wouldn't have seemed as dark, but it

certainly was there.

Q Were the lights turned on?

A Yes.

Q On the porch?

A No. The lights from the living room shine onto the porch.

Q What?

A The lights from the living room shine onto the porch, and we also had candles.

Q Now, had Marilyn put the candles on the table?

A Yes, they are -- yes.

Q Did she light them?

A They are porch candles. Yes.

Q You then -- when you got through with the dinner, where did you go and what did you do?

A We took the things off the table and took them into the kitchen and started to clean up the dishes, and so on.

Q You did about what the customary and ordinary thing is?

A Yes.

Q Didn't make any particular note of it and didn't write it down?

A No.

Q That's right. And followed the usual routine that people do after they have finished with their dinner, cleaning up the table and putting the stuff in the kitchen, and so forth and so on?

A That's right.

Q And, of course, you don't write those down, you don't expect to be questioned about them, do you?

A No.

Q Did you see what the two men did after dinner?

A Mr. Ahern took the children home.

Q And --

A In fact, while we were still at the table, before we stood up, he started out to take them home.

Q It was about time for them to go to bed?

A Past the time.

Q Did you see the dog around there then?

A I don't recall Koko.

Q All right. Now, then, did you make any note of what Dr. Sheppard did while your husband was gone home with the children and you two ladies were cleaning up the dishes?

A No, I didn't write it down, but I do remember Dr. Sheppard going out into the garage and getting some glue for Chip's airplane.

Q Well, did you notice where Chip was after your husband took your children home?

A I think he had been sent upstairs and came back down.

Q And when he came back down, did you notice any contact that he was having with his father?

A Yes. He was standing by Dr. Sheppard's chair.

Q And where was Dr. Sheppard sitting?

A In the oval chair of the two that match, on the west side of the table.

Q On the west side of the table?

A Yes.

Q Now, you are talking about the two chairs that --

A Right directly in front of the television.

Q -- are on the south side of the living room?

A That's right, against the wall.

Q They are a three-quarter chair?

A Yes, that's right.

Q And they are directly opposite the television?

A That's correct.

Q They are red?

A Yes.

Q Were those the chairs that Marilyn got from you?

A Yes.

Q Some extra chairs that you didn't need?

A Yes.

Q And those chairs are so arranged that they can be pushed together and made a settee, is that the idea of it?

A They could be, except there is a table and a lamp between them.

Q What did you say?

A There is a table and a lamp between them.

Q Yes, they are separated, but they could be put together?

A Yes.

Q And made one chair?

A That's right.

Q I think they call it a love seat; is that what they call it?

A Well, they are two parts of a sectional.

Q Now, the doctor was sitting in the chair that was farthest west?

A That's right.

Q And little Chip was alongside of him?

A Yes.

Q And what was he doing?

A He was sitting holding the -- I can't remember whether it was the nose of the airplane or what. I remember it quite clearly because I think my son is the one that broke it.

Q That night?

A He was holding it together for the glue to set.

Q I didn't quite get that.

A He was holding the airplane up and holding whatever it was that had broken in his hand waiting for the glue to set.

the 10 Q

Before he got the glue, had you noticed that Chip had brought this airplane to him?

A Yes, at the dinner table.

Q At the dinner table?

A Yes, as we were almost finished.

Q Chip came out of the kitchen and brought the airplane to him at the dinner table?

A That's right.

Q And told him that it was broken?

A Yes.

Q And said, "Papa, can you fix it?" or something like that?

A Yes.

Q Was the airplane broken in the kitchen by Mike or Leslie?

A I think so.

Q Then Dr. Sheppard placed the airplane on the table beside him?

A I don't know that, Dr. Corrigan -- I mean Mr. Corrigan.

Q The next thing you saw was little Chip and his father discussing this broken airplane?

A Yes.

Q And that was in the living room?

A Yes.

Q And then did you hear some conversation between the father and the boy?

A Yes.

Q About the repair of that airplane?

A Yes.

Q And what was it about?

A Dr. Sheppard told Chip that the reason he was fixing it was because he hadn't cried and been a sissie about it being broken.

Q Dr. Sheppard told what?

A Told Chip -- he said, "Chip, the reason I am fixing this for you is because you didn't cry and weren't a sissie about it."

Q And then what was the next thing that you saw Dr. Sheppard do?

A I don't remember what happened next. I think Chip left.

Q Do you recall that he left the home?

A I think Dr. Sheppard just sat there and watched television. We turned it on then or it had been turned on then.

Q Do you recall that he left the room and went out into the garage and got some glue?

A Well, he did that before he fixed the airplane just as Mr. Ahern left.

Q Well, that occurred, he went and got the glue, and brought it in the house, and repaired the airplane, and then Sam sat there with the airplane in his hand, holding it until this glue set?

A That's right.

Q That was going on between the time that your husband left and your husband returned?

A That's correct.

Q When your husband returned, do you recall where you were in the room?

A No, I don't.

Q I see. All right.

A I can only think --

Q Do you recall where Dr. Sheppard was in the room when your husband --

A Still in the same chair.

Q Still in the same chair?

A Yes.

Q Do you recall where Marilyn was?

A I think she was just coming in from the kitchen, or she may have been in already. I'm not sure about that.

Q You are not sure. All right. Now, you have been in that house many, many times, haven't you?

A Yes.

Q The jury has seen the house, and they have seen that off the living room there is an L that goes to the south, and at the end of that L on one side is the fireplace, on the west side is the fireplace, and on the east side are steps, three steps, I think, that go up, that lead to a landing?

A Yes.

Q And that landing then leads up to the upstairs.

Now, on the night of July the 3rd was the fireplace and the accoutrements around the fireplace the same that you observed on other occasions?

A I don't know.

Q What?

A I don't know. The fire wasn't on that evening, so I didn't give it --

Q Well, on other occasions you had observed that on one side of the fireplace, on the north side of the fireplace there are a lot of tools, fireplace tools?

A Yes, I think so.

Q Pokers and various tools of that kind for taking care of the fireplace?

A I think so, yes.

Q And on the left side of the fireplace there are two baskets of clubs and sticks, and so forth?

A There may be two. I remember one in particular.

Q And they are the size that you can pick them up with your hand, some of them are two, three inches in diameter?

A Oh, yes.

Q Now, then, your desire was to go out to a moving picture show, as I understand it?

A Yes.

Q And then it was decided it was too late, and that you would look at television in the house, and the ball game was going on, and your husband listened to the ball game?

A Yes.

Q And announced the score from time to time?

A Yes.

Q And you other three looked at the television?

A That's correct.

Q Now, during the course of the evening, as I understand, and as your husband has so testified here yesterday -- and see if you remember it -- Sam and Marilyn occupied the same seat?

A Yes.

Q And sat on that same seat for some little time?

A Yes.

Q And demonstrated to you that they were extremely friendly young people?

A Yes.

Q How old is Sam, by the way, do you know?

A Dr. Sam?

Q Dr. Sam, yes.

A 31.

Q And how old was Marilyn?

A I think Marilyn was six months older.

Q And Marilyn was -- both of you that evening were dressed

in summer clothing?

A Yes.

Q You were wearing shorts?

A That's right.

Q With a jacket over your shoulders?

A Yes.

Q Did you notice the type of shoes that Marilyn had on?

A Yes. She had on white moccasins.

Q Did she have socks on?

A I can't tell you for sure.

Q You don't know. Did you?

A Yes.

Q Now, then, during the course of the evening, while Sam and Marilyn were sitting together on this same chair, did you notice the position of their arms, whether their arms were around one another?

A No. They were just sitting side-by-side.

Q And your husband sat on the other chair, on the other red chair?

A Yes. He came over every once in a while during the ball game and sat --

Q And during the course of the evening you sat down in his lap?

A Yes.

Q Now, after a time watching that television show, Sam got up

and went over and laid down on the couch?

A That's correct.

Q Now, the pillows on that couch -- have you made any particular note of that at any time to tell --

A As I remember, they are that rubber foam.

Q Foam rubber. That is, you can lie on them or press them up, and they will bounce back into shape?

A As I remember them, yes.

Q Now, then, Sam lay with his head propped up on his stomach looking at the television?

A Yes.

Q And you were sitting where?

A I was sitting to his left, west of the couch.

Q West of the couch. Where was your husband sitting?

A Mr. Ahern was sitting to my left.

Q To your left. You had abandoned the red seat?

A Yes.

Q What?

A You mean I --?

Q Yes.

A I had gotten off Mr. Ahern's lap and sat on the other chair.

Q And that seat that you sat on was left of the red seat?

A Yes.

Q And was it at the entrance where the room goes off into an L, in that part of the room?

A There was a space between the red chair and my chair, so that Dr. Sheppard could have looked at television.

Q You were west of Dr. Sheppard's position?

A That's right, yes.

Q In the position that you were in, the chair that you were sitting in west of Dr. Sheppard, you could see Dr. Sheppard?

A Yes.

Q And then your husband, as I understand, was west of you in the chair?

A That's right.

Q Marilyn was seated where then? I am talking about the time when Sam went over to lie on the couch.

A I think she stayed in the same chair.

Q That would be the red chair east of the lamp?

A That's right -- oh, no, that would be the red chair west of the lamp.

Q Red chair west of the lamp?

A Yes.

Q That would be just practically at the corner of this L, wouldn't it?

A Right.

Q And the head of the couch comes into the south wall of the living room?

A Almost, not quite.

Q The picture proceeded on, you viewed it, you talked, I

suppose, and did you notice that Dr. Sheppard fell asleep?

A Yes.

Q Did the fact that he fell asleep while you and your husband were guests appear to you as something that was out of the ordinary?

A No.

Q He had done that before in your presence?

A Yes.

Q He had done it in his own house in your presence?

A Yes.

Q He had done it in your house in your presence?

A Yes.

Q Well, that was something quite ordinary, as far as you were concerned, that Dr. Sheppard should fall asleep?

A Yes. We were very good friends.

Q You knew that he had a very difficult day that day?

A Yes.

Q Now, what time would that be? Could you fix the time?

If you can't, just --

A That he fell asleep?

Q Yes.

A No.

Q Well, would you be able to tell me -- you departed about what time? Can you tell me that?

A It was not too much after 12.

Q Shortly after 12 o'clock. How long had he been in this sleeping position?

A I would say --

Q That is, before you departed?

A Somewhere between 15 minutes and half an hour.

Q 15 minutes to half an hour?

A Had been asleep. He had been in the sleeping position on the couch on his stomach longer than that, but he had been asleep at least that long.

Q I am talking now about the time that he went over and lied down on the couch. I will take the first time that he lied down on the couch. Can you give me an estimate of the length of time he was lying on that couch?

A Only an estimate, but I would say at least 45 minutes.

Q That is before your departure?

A Yes.

Q Did you notice during that 45 minutes, let us say at the beginning of the 45 minutes, whether he watched television?

A Yes, for a short while.

Q That is, he propped himself up and looked at this picture from his position?

A Yes.

Q Then you noticed that his head sank asleep?

A That's correct.

Q During the period that he was on that couch, was there any

attempt to waken him?

A Yes.

Q And who made the attempt to waken him?

A Mrs. Sheppard and myself.

Q What did you do to awaken him?

A We just said, "Sam, wake up, I think the movie is getting good."

Q Who said that?

A I couldn't tell you. We both said something very much like it.

Q Well, you suppose both of you said something about that?

A Something very similar.

Q When that was said did Sam wake up?

A Yes. He raised his head.

Q And were you looking at him then?

A Yes.

Q And what did you notice about him when he raised his head?

A That he looked at the picture for a couple of seconds very drowsily and put his head back down again.

Q That is, you noticed that his eyes --

A His eyes looked very sleepy.

Q His eyes looked very sleepy, and then his head went down again?

A Yes.

Q And then for the rest of the time during your stay there he

was asleep?

A To the best of my knowledge, he was.

Q Do you remember whether he snored?

A No.

Q But to the best of your knowledge, he was sound asleep when you left that house?

A That's correct.

Q And there came a time when you decided to depart, and you went out the back door with your husband?

A The Lake Road door.

Q Now, when did you get the first -- I will withdraw that.

A The evening and the day from the beginning to the end was most pleasant?

A Yes.

Q There was nothing to mar it or to jar it in any way whatsoever?

A No.

Q When you got home, did you go directly home?

A Yes.

Q Do you recall whether you retired to bed before your husband?

A We both went up at the same time.

Q I see. And both retired at the same time?

A Yes.

Q Well, do you recall that your husband hesitated and listened to the balance of the ballgame that night?

A I don't know. I am sure if it was still on, he did, but I couldn't tell you exactly.

Q You don't remember that incident?

A I fall asleep very quickly.

Q What?

A I fall asleep rather quickly.

Q I see. But whether your husband remained awake and listened to the finish of the ballgame -- you got home, then, not later than about 10 minutes after 12?

A I looked at my clock as I climbed in bed. It was 20 after 12. I set it for the next morning, set the alarm.

Q 20 after 12?

A It was one of the few times I remember exactly.

Q I see. Now, then, the first thing that you heard about it was a telephone call?

A That's correct.

Q And who did the telephone call come from?

A Mayor Houk.

Do you know what time it was?

A Approximately 10 minutes after 6.

Q Who received the call?

A I did.

Q And what did Mayor Houk say to you?

A "Nancy, were you and Don with Marilyn and Sam last night?"

And I replied, "Yes."

A And he said, "Prepare yourself for a shock.

Marilyn has been murdered."

Q I see. Of course, that was a shock?

A I should say.

Q Now, when you received that telephone call and you talked to your husband about it or told him about the tragedy that occurred --

A Yes.

Q -- did you go to the Sheppard house?

A Around 7:30 or 8:00 that morning.

Q And you and your husband walked over there?

A Yes.

Q When you got over there, will you tell me what you saw in the front yard?

QA I saw the Coroner and a couple of his men, and a policeman or two, two or three neighbors, Dr. Stephen Sheppard, and shortly after I got there I saw Dr. Richard Sheppard and

two other men coming out of the house. That is what I remember about it, anyhow.

Q Did you go around in the back of the house?

A Yes, we did.

Q Did you see people in the back of the house?

A There was --

Q Now I am talking about the back of the house again. The front of the house?

A There was some people coming up the stairs from the beach, I think, as we got around the back. One of them was a policeman, I remember.

Q You are saying the back, too, now.

A The lake side.

Q The front. Now, there was some people coming up from the beach, and was there any people standing around in the rear of the house around the garage?

A No, I don't recall any.

Q You don't. Did you go anywhere?

A Yes. We walked down the stairs to the beach.

Q Did you meet anybody down there?

A No. A Mr. Crane from the Cleveland Press walked down the stairway with us. ✓

Q A reporter?

A Yes. He lives in Bay Village.

Q He was a reporter of the Cleveland Press?

A

Yes.

And he was accompanying you down the stairs?

A

Yes.

Q

Did you see any other reporters there?

A

I don't recall any. I don't think anyone had had the chance to get there yet.

Q

I see. Mr. Crane was there first?

A

He lived in Bay Village.

Q

Yes. When you got down to the beach, did you go on the beach?

A

No.

Q

You stood up on the --

Landing.

Q

On the landing?

A

Of the boat house.

Q

You had your shoes on?

A

Yes.

Q

Now, then, you came back after looking down there --

A

We were told we would have to get off of there now.

Q

Who told you that you would have to get off?

A

I think a policeman or somebody said that they were roping off the steps.

Q

Roping?

A

Or doing something. Anyhow, we were told -- they asked us to please leave the stairway.

Q When we were out there the other day there were ropes around the lot.

AA Yes.

Q Those were not put on for a number of days, were they?

AA No, I don't think so.

Q When you came back up, did you make any observations as to who was around the house different from what you had made at your first entrance, as you have told me?

AA No, I don't think so.

Q Now, did you remain there?

AA No. We left for home.

Q Did you go in the house?

AA No.

Q And did you come back that day?

A I don't think I came back that day. I think Mr. Ahern did, several times.

Q Now, then, did you return to the house at any time after the 4th of July?

A Yes. I went back on a Monday morning, which would be the 5th?

QA 5th.

QA And what time did you go back on Monday morning, the 5th?

QA Oh, it was approximately 10, 11.

Q Was that at some request?

QA Yes. Lieutenant Hubach.

Q Now, how did he request it, by telephone, or did he come to the house?

A He came to the house to get fingerprints.

Q Yes. And did he take your fingerprints?

A No. He had a telephone call, I think, that someone else was going to take them later.

Q Well, I am now referring to the fact that you went back to the house on the 5th.

A Yes.

Q You did, didn't you?

A Yes. Lieutenant Hubach said that -- shall I go ahead?

Q What is it?

A Lieutenant Hubach said that he thought that -- I don't know whether he said he thought Dr. Gerber or whether just they in general thought it would be a good idea if I came to the house to see if everything was the way it was the night we left.

Q Did you know that your husband had been at the house with Dr. Gerber on the 4th of July?

A I think he told me that he went in downstairs with Dr. Gerber.

Q Yes. And you then went over to the house?

A To my house?

Q No, to Mrs. Sheppard's house?

A On Monday, yes.

Q And did you go in the house on Monday?

A Yes.

Q And who was with you?

A Lieutenant Hubach.

Q Anyone else?

A No one else exactly with me.

Q Was there anybody in the house when you went in?

A Yes, there was a policeman and a detective in the house in evidence at all times.

Q And you went over the house with Sergeant Hubach and told him what you observed about the inside of the house in relation to what it had been on the night of July 3rd when you were there, is that correct?

A Just in the living room, yes.

Q Just in the living room?

A And in the kitchen.

Q Well, was there anything different in the living room and the kitchen than you observed on the night of July 3rd?

A The chairs had been put back in place in the living room.

Q Which chairs, now?

A The two arm chairs that Mr. Ahern and I had been sitting in.

Q When you had left, those two chairs were to the west of the red chairs, is that right?

A (Witness nods affirmatively.)

Q And when you got up they were still in that position, to the west of the red chairs?

A Yes.

Q At the, we shall call it, the entrance to the alcove or the entrance to the L?

A Yes.

Q When you came in the next day, where were the chairs?

A They were back in the places that I had always seen them.

Q Where are the places?

A One in the corner, over by the lamp that has the ivy in it.

Q That's the northwest corner. And one a short distance away from it.

Q You had moved those out of their position, you and your husband, and they had been put back in their regular place?

A Yes.

Q Now, during the evening that you spent there -- do you smoke, Mrs. Ahern?

A Yes.

Q Did you people smoke cigarettes during that evening?

A Yes.

Q Which ashtrays did you use?

A The one on the table between the two three-quarter chairs, red chairs or maroon chairs, and I don't know what I used while I was watching television. It seems to me that there was a little table between Mr. Ahern's chair and mine that had an ashtray on it that was put there for that purpose.

Q Did Marilyn smoke?

Yes.

Q What?

A I think, yes.

Q Are you sure?

A No, I am not sure because sometimes she smoked and sometimes she tried not to.

Q You are not sure whether she smoked or not that night?

A No, not positive.

Q Sam, of course, doesn't smoke cigarettes, he smokes a pipe?

A Just on occasion.

Q Usually he smokes a pipe?

A Usually.

Q Yes. Now, did you make a written statement then to Sergeant Hubach on that Monday morning?

A No.

Q And how long did you remain there?

A Oh, only about five minutes.

Q You knew at that time that a lot of reporters and photographers had been in the house, didn't you?

A Yes. It didn't seem to bother -- yes.

Q But you knew that situation had existed?

A I didn't know. I hadn't, of course, been there, but I knew certainly detectives and police had. I didn't know about

theothers.

Well, you saw all the pictures in the paper the next day, didn't you?

MR. DANACEAU: I object to this.

Q Did you see the pictures in the paper the next day that projected the interior of that house by newspaper photographers?

MR. DANACEAU: We object to this.

What she saw in the newspapers subsequently has nothing to do with this lawsuit.

THE COURT: The objection will be sustained.

Did you see any pictures of what you recognized to be the interior of Mrs. Sheppard's house?

MR. DANACEAU: Objection.

MR. CORRIGAN: What is wrong about that question? Did she see any pictures?

THE COURT: The question now is directed to whether she saw any pictures of the interior of the Sheppard house?

MR. CORRIGAN: Yes, of what she recognized was the interior of the Sheppard house.

THE COURT: You mean at that time?

MR. CORRIGAN: Yes.

THE COURT: All right.

MR. DANACEAU: At what time?

THE COURT: She may answer that,
as to whether she saw that because that might
have something to do with what she is testifying
to.

A I don't really know at what time. I have seen pictures of
an interior of the Sheppard house, but I don't remember
which day or --

Q But it was after July 4th?

A Oh, yes.

Q And they were in the newspapers when you saw them?

MR. DANACEAU: Objection.

Q Where were they? I will put it that way. Where were these
pictures that you saw of the interior of the Sheppard house
after July 4th?

A I don't remember specifically. I think I saw the one last
evening or two, one of the couch.

Q Refreshing your recollection back to --

A Not of the whole living room. I don't think I have ever
seen one other than a sketch.

Q But you have seen pictures of the interior of the Sheppard
house, haven't you?

A I don't remember, Mr. Corrigan, whether I ever have seen
a picture of the living room or not.

Q Well, any other part of the house?

A I saw a picture in the newspaper of a bedroom, of the bedroom with a mattress and bed.

Q Yes. All right. Now, then, did you notice that on the night before -- or on the night of July 3rd, that there was a desk located -- which was placed on the north wall just west of the exit door of the living room to the porch?

A Yes.

Q Did you notice when you went in on the 5th of July the condition of that desk?

A Yes.

Q What did you notice about it?

A The door to the desk that folds down was down. I mean, it was always up when I had been in the house. And there were papers scattered on the floor, and I don't remember whether there were drawers out of that desk or not.

Q But you did notice -- this desk is one of those desks that you close up the --

A That's right.

Q It has a closing door to it?

A It was usually closed.

Q Sort of a slant door?

A Yes.

Q And then when you take that door down, when you let it down, it becomes a shelf on which you can write, it makes

a desk?

A That's correct.

Q And you had never seen that desk open before?

A Never when I had been in the house, no.

Q In all the time you had been in the house. But this morning when you get in there that desk was open and there was something scattered on the floor?

A Yes.

Q And what was scattered on the floor, that you can recall?

A Oh, papers.

Q Papers. I see. Did you go into the den?

A No, but I passed the door. I stood at the door and looked in.

Q Did you see some disorder in the den?

A Yes.

Q At the time that you came in, did you come in the front door or the back door?

A I came in the Lake Road door.

Q What?

A I came in the Lake Road door.

Q As you came in the Lake Road door, did you notice anything in the hall of that room?

A I don't remember. I have heard of the medicine kit so often
I don't recall whether I saw it or heard about it.

Q I don't want anything that you didn't see or don't remember.

You don't remember seeing a kit, a medical kit, on the floor of the hall?

No.

All right. Now, in your testimony --

MR. CORRIGAN: I shall now inquire, your Honor, about the conversation that you have admitted in evidence over my objection. I do so without waiving any rights to the objection that I have heretofore entered in this case.

MR. DANACEAU: We object to any conditions under which he may inquire. If he wants to inquire, let him inquire; if not, don't inquire.

MR. CORRIGAN: I am afraid, Mr. Danaceau --

THE COURT: That is a legal question that needs no ruling now. You may state what you want in the record.

MR. CORRIGAN: I am afraid, Mr. Danaceau, you can't tell me how to take my exceptions.

MR. DANACEAU: I am merely stating our position about it, but we are not acquiescing in any such statement.

Now, you stated that sometime in April -- was it in April or was it in May that this conversation took place that

you related?

A As I recall, it was in April.

Q What?

A As I recall, it was in April.

Q In April. Of course, it was after they had come from California?

A That's right.

Q When they came back from California, the pleasant relations that had existed between you and Mrs. Sheppard and Dr.

Sheppard and your husband were picked up again and continued?

A Yes.

Q And still continued in the very pleasant manner that it existed before?

A Yes.

Q There didn't seem to be anything, any rift in the home life of these people?

A None that was apparent to us.

Q Wasn't apparent to you. Now, this conversation that you have related that -- withdraw that.

You didn't know the Chapmans, did you?

A No, I did not.

Q You had never had any conversations with the Chapmans?

A No. I never had met the Chapmans.

Q There was never any mention in the conversation by Marilyn that she was contemplating any divorce?

A No.

Q Or that she was unhappy?

A No.

Q And the conversation that took place between you and Mrs. Sheppard on this day was a repetition of the conversation that had taken place between Mrs. Sheppard and Dr. Chapman out in California?

A According to the way she related it to me.

Q What time of the day was it?

A Late morning, I would say.

In the morning. And how did it come about that she began to talk to you about California? What brought that up?

A I have tried to remember that, and I can't remember exactly what did bring it up.

Q Well, now, when I first asked you on cross-examination -- the first question I asked you related to the fact that Mrs. Sheppard had said to you on that occasion ~~that~~ Dr. Sheppard had convinced --

MR. GARMONE: Dr. Chapman.

Q -- Dr. Chapman had convinced -- you used that word -- Dr. Sheppard not to get a divorce?

A That's correct.

Q Now, you testified before the Coroner's hearing on July 26th -- where is that record?

This conversation is a conversation that apparently, from what I gather, Mrs. Sheppard was relating that she had with Dr. Chapman?

A That's right.

Q Now, in the inquest of the Coroner -- I will bring this up so you can follow me, and I am reading from page 458 --

MR. MAHON: Well, now, I object to any reading. You can ask questions, but he certainly can't read the record.

THE COURT: Well, he can ask the

question if he has disclosed that there is some contradiction.

MR. MAHON: That's right.

THE COURT: Until then it is not proper.

MR. DANACEAU: Isn't that page 468?

MR. CORRIGAN: 468.

I will ask you if this question was asked you:

"Q. Did she tell you what she meant by divorce and where this divorce conversation come up, and who it was with?"

And did you answer, "Yes." You can follow me here. Yes.

And then was this question asked you, "Would you tell me about it, please?"

Yes.

And did you answer, "Marilyn mentioned one day that Dr. Chapman had told her, when they were at the ranch, that Dr. Sheppard had talked of asking Mrs. Sheppard for a divorce"? You can follow me here. "And that on the way up to the ranch Dr. Chapman and he talked it over, and it was quite a long chat, and that Dr. Sheppard came to the decision that Mrs. Sheppard was the one for him and the one that was right for him, and that he was going to try and make a fresh start, and apparently that was

his decision. He decided to forget about the divorce that had been in his mind. Dr. Chapman told Mrs. Sheppard this, as she mentioned it to me one day."

Is that the way you answered it?

A That's correct.

Q That is quite different from what you answered this morning, Mrs. Ahern, isn't it?

MR. DANACEAU: Object to this.

THE COURT: Objection sustained.

Q You said this morning that Dr. Chapman had convinced Dr. Sheppard -- you used the word "convinced" -- Dr. Sheppard not to get a divorce, didn't you?

A I don't really remember how it was told me, but I am telling it to the best of my knowledge.

Q I am just pointing out the difference between your testimony of July 26th and your testimony today.

Now, there was also in that conversation some conversation about a girl in California?

A That's correct.

Q And in that conversation she told you that he had bought a watch for a girl in California?

A That's right.

Q And on that occasion you asked Mrs. Sheppard if -- you addressed this question to her, "Did it upset you? Is there anything to it?"

And she said, "No, I don't think there is."

A That's correct.

MR. MAHON: What page?

MR. CORRIGAN: Page 175.

Q And in this conversation, Mrs. Sheppard informed you that she knew of the affair that he had had with a woman in California, didn't she?

A Yes.

Q And that --

A I must say I don't know if she said she knew, but she suspected such.

Q What was that?

A I said I don't recall now if she said she knew, or if she thought it was the case.

Q And that she considered that was all over?

A Yes. She hoped it was, yes. The word she used was "hoped," I think.

THE COURT: Mr. Corrigan, may

I inquire are you likely to finish with this lady within a short period of time?

MR. CORRIGAN: No, I don't think so, your Honor.

THE COURT: Could you break off now?

MR. CORRIGAN: I can, yes.

THE COURT: All right.

Ladies and gentlemen of the jury, we will now recess for the noon hour, and we will reconvene at 1:15.

Please do not discuss this case in the meantime.

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(Thereupon at 12:00 o'clock noon an adjournment was taken to 1:15 o'clock p.m., Tuesday, November 9, 1954, at which time the following proceedings were had):

AFTERNOON SESSION, TUESDAY, NOVEMBER 8, 1954
(1:20 o'clock, p.m.)

Thereupon, NANCY AHERN resumed the stand
and testified further as follows:

CROSS-EXAMINATION OF NANCY AHERN (CONTINUED)

By Mr. Corrigan:

A Q Mrs. Ahern, I asked you this morning about the fireplace
and what you noticed in front of the fireplace. There
was a basket there in front of that fireplace, was there not?

A Yes.

A Q And that was a basket -- was it a wicker basket?

A Yes.

A Q In which various sizes of -- pieces of wood had been placed?

A They can be. I suppose it was full of wood.

A Q You admired that basket, didn't you?

A Yes. I thought it was very nice.

A Q And on your expression of admiration of that basket, Sam
bought you one to match it, didn't he?

A Yes, he bought one. He thought that I was the one that had
originally admired the basket, but apparently it was some
other friend of Marilyn's, and he brought it to the house
and I was very pleased with the basket, but I apparently
wasn't the one that had asked for it originally.

A Q Well, Sam brought a --

A He gave it to me, yes.

Q -- a basket to your house and gave it to you, is that correct?

A Yes.

Q Now, the candles that were on the porch, they burned all through the dinner?

A Yes.

Q How many was there, do you recall?

A No. As I remember, it was a little bracket affair, either one or two candles, a little black wrought iron --

Q What?

A A little black wrought iron bracket affair. I think it had either one or two candles on it.

Q Well, do you remember whether there was one or two?

A No, I don't remember.

Q Do you remember whether there was two candles placed on the table?

A I think we had one in the center.

Q One in the center?

A I think.

Q Who put it out, do you know?

A No.

Q But it burned all through the meal?

Yes.

Q Now, you said that when you came in from the back porch

and were carrying the dishes in you locked the back door?

A Yes.

Q What?

A Yes.

MR. DANACEAU:

You mean the front

door, don't you?

Q You locked the front door, rather?

A The door leading off the porch.

Q You told about turning the key in the lock?

A No key.

Q The knob?

A Yes.

Q That turns a bolt?

A Yes.

Q And then about putting the chain on the door?

A Yes.

Q And that is when you were carrying the last of the dishes in?

A I think I had maybe one dessert plate left in my hand or something, or I may have gone out to wipe the table off, I am not sure which. But it was the last thing I did before coming in the house.

Q Did you ever lock that door before?

A No, I never locked that door before.

Q This was the only occasion that you locked that door?

A I think so.

Q Of course, you didn't lock your own doors?

A Always locked the door to the lake, because when it was windy it would blow open.

Q Yes. But when you departed from your house during the day you have already told me you didn't lock your doors?

A Well, I have a girl that is there every day.

Q You did not lock your doors when you came over to the Sheppard's house?

A No.

Q No. Now, can you state whether or not that door was opened

A during the time that you remained at the Sheppard house?

A I can't definitely state.

Q You cannot state?

A No.

Q As a matter of fact, when you came in and locked the door, Sam was sitting in the chair talking to the little boy about the airplane, wasn't he?

A I think so.

Q Yes. And he went out to get the glue?

A Yes, or he had already been out, one or the other.

Q And whether it was open during the evening you don't know, you can't say now?

A I cannot say definitely.

Q Yes. Now, there are two other doors in that downstairs, are there not?

Yes.

There is a door that leads off the east end of the living room?

No. There is a door that leads off the west end of the living room, I think, that has curtains around it.

Well, off the west end of the living room?

Yes.

Towards your house?

Yes.

And there is also --

I think that's a door -- I am sure it is.

You think it is a door?

Yes. I am quite --

You are not positive about it?

At the moment I can't remember, because it's well draped with curtains, but I am quite sure it is a door.

And there is a door off the den?

Yes.

Of course, you don't know anything about those doors and don't recall anything about them, do you?

No.

Now, when you departed -- by the way, you said Sam had a Jaguar automobile and a Lincoln Cosmopolitan, or something? Continental.

The Lincoln Continental belonged to Marilyn, didn't it?

I assume so. It was called her car.

Her car and, of course, you have cars, too?

Yes.

You have a Cadillac and a convertible?

That's right.

Now, which car did you drive over to the house that night, do you remember?

I'm quite sure it was the convertible.

Are you positive about it?

In fact, I know it was.

You are positive about that?

Yes.

And that was parked in the driveway how far from the back door?

In the turnaround that is out at the end of the driveway.

And when you departed sometime after 12 o'clock of that evening, Marilyn accompanied you to the door?

Yes.

Now, do you recall when you went out she stood in the doorway and watched your departure?

A No, I don't recall.

Q Where was she the last time that you saw her?

A As I went by her going out the door.

Q She came to the door?

A Yes.

Q The door was closed?

A I think I turned around and said, "Goodnight. Thank you for a very nice time," and then I never turned back again.

Q You didn't turn back?

A No.

Q Do you know whether or not the door was closed when you left the --

A I didn't turn back to look. I only assumed --

Q The last, then, you know about the door, it was open and Marilyn was there?

A Yes.

Q Now, you know that Sam never laid a hand on Marilyn, don't you?

A Never, to my knowledge.

Q Yes. I want to ask you this question, Mrs. Ahern:

Why did you come into court this morning and say that in this conversation that you had with Marilyn Sheppard, that Marilyn said that Dr. Chapman convinced Dr. Sheppard not to get a divorce, when you testified on July 26th, you said that Marilyn told you Dr. Sheppard -- that Marilyn told you

that Dr. Chapman told her that Dr. Sheppard was talking of asking Mrs. Sheppard for a divorce, and that on the way up to the ranch, Dr. Chapman and he talked it over, and it was quite a long chat, and Dr. Sheppard came to the decision that Mrs. Sheppard was the one for him and the one that was right for him, and he was going to make a fresh start, and apparently that was the decision. He decided to forget about the divorce, and that had been his -- that was his decision --

MR. DANACEAU: Now, wait a minute.

That isn't an accurate reading at all. The sentence is, "He decided to forget about the divorce that had been in his mind."

MR. CORRIGAN: That is the next sentence.

MR. DANACEAU: Yes, but you left out that part.

MR. CORRIGAN: I haven't finished it.

MR. DANACEAU: Yes, but you were beyond that already. You omitted it.

MR. CORRIGAN: I am going to go back.

I am going to go back.

Q "That on the way up to the ranch, Dr. Chapman and he talked it over, and it was quite a long chat, and Dr. Sheppard came to the decision that Mrs. Sheppard was the one for him,

and the one that was right for him, and that he was going to try to make a fresh start, and apparently that was his decision. He decided to forget about the divorce that had been in his mind. Dr. Chapman told Mrs. Sheppard this, and she mentioned it to me one day."

Now, why did you change your testimony, Mrs. Ahern?

A I have been asked to tell it twice, Mr. Corrigan, and I have been asked to tell it to the best of my recollection, which is exactly what I did both times, with quite a long time intervening.

MR. CORRIGAN:

All right. That

is all.

MR. PARRINO:

No further questions.

(Witness excused at 1:35 p.m.)

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