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OPENING STATEMENT ON BEHALF OF DEFENDANT

MR. GARMONE: Ladies and gentlemen  
of the jury, Judge Blythin and Mr. Mahon:

In the statement that you have just received  
by the State of Ohio through Mr. Mahon, it was  
impressed on your minds that you should weigh  
all the testimony that will be offered for your  
consideration with great care.

I say to you in that respect, and ask that  
you come to no premature opinion, no premature  
analysis, of the issues that we are contesting  
here, before you have been fully apprehended  
of all the facts and all the law.

We are engaged here, ladies and gentlemen,  
in the trial of a case where the stakes are too  
great for you and I, where the stakes are too  
great for any person on the defense side of the  
table, where the stakes are too great for his  
Honor, Judge Blythin, to permit ourselves to  
come to some personal preconceived idea or  
conclusion until such time that you have been  
apprised of everything that transpired on the  
4th of July of this year.

We are contesting a matter that involves the

taking of a life, where you, through the education that you received during the course of those many days that were used in empaneling this jury, accepted an oath to take your seat and play fair.

There was time spent in the opening statement by the State of Ohio that by reasonable conjectures, that by reasonable inferences, that the finger of guilt would point to Sam Sheppard.

Though our statements to you should at no time be considered evidence or accepted as such in this case, the only purpose of it being that you shall have a better idea of what to expect when the witnesses are offered and their testimony given, you will, ladies and gentlemen, when the proper time comes, and when the law is submitted applicable to all the issues that will be described to you, learn from his Honor that these reasonable conjectures, and that these reasonable inferences that you have been asked to draw, you will learn from Judge Blythin that inferences upon inferences cannot creep into your minds in arriving at the conjectures described as being reasonable that would point to the guilt of Sam Sheppard.

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

MR. MAHON: I didn't say that.

MR. PARRINO: He didn't say that.

THE COURT: There was a reference about 25 blows.

MR. GARMONE: That's right.

MR. PARRINO: He said about 15.

MR. MAHON: 15 above the eyes.

MR. CORRIGAN: 25 vicious blows to her head, that was the statement.

MR. MAHON: Head and face, yes.

THE COURT: It is not important at the moment.

MR. CORRIGAN: I want the record clear.

THE COURT: The evidence will speak for itself when it comes.

MR. GARMONE: I didn't interfere with their statement, and I let Mr. Mahon go on,

and I think I should be afforded the same courtesy.

MR. PARRINO:                    We won't interfere  
with Mr. Garmone unless he quotes incorrectly.

MR. GARMONE:                    If you have any  
objections, will you direct them to the Court  
instead of interrupting me, please?

MR. PARRINO:                    That is what I am  
doing.

MR. GARMONE:                    No you aren't.

Ladies and gentlemen, as the facts in this  
case unravel themselves, you will be given by  
proper proof testimony that will satisfy you that  
the last four months of the married life of  
Marilyn Sheppard and Dr. Sheppard were the happi-  
est. In support of that testimony the facts will  
disclose that Dr. Sheppard entered into a contract  
to purchase the home that you viewed yesterday at  
28924 West Lake Road, and that when the deal was  
finally consummated that home was not placed in  
the name of Sam Sheppard, that home was not placed  
in the name of Sam Sheppard and Marilyn Sheppard  
jointly, but that home was placed in the name of  
Marilyn Sheppard, and those facts at no time during  
this entire trial will be disputed.

You will be given a picture by proper proof,

not proof that you will be called upon to draw any reasonable conjectures, not proof that would cause you to draw an inference on an inference, but you will be given proof that is direct to support the statement that I have made here that the last four months of their married life was the happiest enjoyed by Sam Sheppard and Marilyn Sheppard, for in that direction, in addition to the home, proof will be offered that this young man took on a very heavy financial load consisting, not by any conjectures or inferences, but by proof direct, that he took out on his wife insurance, two policies in the amount of \$20,000, and the beneficiaries under those policies were Marilyn Sheppard and his young son, Chip.

In addition to that obligation and responsibility that he assumed, he entered into a contract with an insurance company that should anything happen to Dr. Sam Sheppard, that Marilyn Sheppard and Chip would be provided for by a policy that gave them an income of \$3,600 a year for a period of 17 years so that Marilyn's stability and security would be protected, and in that same policy so that Chip Sheppard could be afforded the education that he would be deserving of.

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

They talk about Sam Sheppard discussing divorce with Marilyn; they talk about Sam Sheppard discussing divorce with Susan Hayes. You, ladies and gentlemen of the jury, keep your minds open on that particular phase of the testimony that will be unfolded as the case goes along and determine, not from any reasonable conjectures that may be given to you, not from any inferences upon inferences that they would want you to draw, but on those statements that will come to you from witnesses under oath and who will tell you on that subject matter what the truth and the actual story is in that regard.

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They talked about the illicit affairs that Sam was supposed to have had. We will offer evidence that when Sam Sheppard received his salary checks, whether they were from the hospital at Bay Village, or whether they were from the Clinic in Fairview, that Sam endorsed those checks, turned them over to Marilyn, she went to the bank with them and took out whatever her necessary needs were for the operation of the home, whatever her necessary needs were for other incidentals in the operation of a home, herself and her son Chip, and the balance therefrom would then be placed by Marilyn in Sam's account.

Does that kind of testimony, with the knowledge that you will have that the home was in Marilyn's name, does that kind of testimony with the knowledge that you will receive by proper evidence about the insurance obligations that this man took upon himself, add up to murder?

MR. MAHON: Well, now, if your Honor please, I think this should be an opening statement, not an argument.

MR. GARMONE: I don't think it is an argument.

MR. MAHON: I am objecting to the

Court now.

THE COURT: Well, yes, let's not get into the realm of argument. Generally what you state is perfectly all right in an opening argument. That is touching on argument, that's all.

MR. GARMONE: Now, ladies and gentlemen, we get down to the month of March. That was the month that the new baby was conceived. Marilyn, the evidence will show, notified her stepmother, Mrs. Reese, and she made the request of Mrs. Reese that she not make any mention of the fact to her Dad because she, herself, wanted to tell him in person about the forthcoming event and her condition at the time.

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

As we unravel the testimony that will come to you regarding this tragedy, you will find that every step along the course that will be taken in this courtroom, you will find that every person who is called upon to testify on behalf of not



3 only the defense, but those persons will testify on behalf of the State of Ohio, that Sam Sheppard was a man who possessed a gentle nature, and as this picture is unfolded, there will be no person whose testimony will dispute that the man who possesses the nature that this young man does can have the finger of murder in the first degree pointed at him.

We will by proper proof, continuing in the same direction as to his make-up, the gentle nature that he possesses, show you without any doubt that in the 31 years -- and this will come to you by not any reasonable conjectures that you will be asked to draw, and this will come to you not by any inferences upon inferences that you will be asked to consider, but this will come to you by evidence positive -- that Sam Sheppard was a man who devoted his life to saving life, and not a man who would take life from anyone.

The evidence will be offered -- and I base this on a statement that was made by John Mahon -- that there has been some human dereliction in Sam's life, but in connection with that, we will by proper proof satisfy you that he loved Marilyn

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

If I may, with your permission, divert from my next thought at this time, and ask you to wait until you hear all of this testimony, ask you, because there will be some distressing circumstances described to you about the revolting injuries -- and we don't deny that the injuries were revolting that were received by Marilyn Sheppard, but I beg of you, ladies and gentlemen, that you don't close your mind at that particular point in this contest to the evidence that will follow after that.

Approaching now to a date that was close to the 4th of July of this year, we will submit for your consideration that on June the 14th or thereabouts, one day one way or another, on or about the 14th, that Sam and Marilyn attended an event in Put-in-Bay as the guests of Mr. and Mrs. Houk, and we will point to that testimony by these witnesses that will go to make this picture about

the last four months of their married life was  
the happiest, through the events that took place  
on that trip, through the activities and the  
display of Sam toward Marilyn and the display of  
Marilyn toward Sam.

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This testimony will come to you, not that you are asked to draw any reasonable conjectures or inferences, but by proof that is direct on the point that we contend.

We will prove to your satisfaction by proper testimony that on Friday before the 4th day of July there was a party held at the home of Dr. Stephen Sheppard, Sam's brother; that that party was attended to by the Sheppard family, including Marilyn and Sam, and the party at that time was called so that there could be a formal announcement made in the presence of the entire family.

We will offer for your consideration that at that pleasant event, as the evening wore on, that it was decided by both Marilyn and Sam that if the new baby born would be a boy they would name it Stephen Allan, after Sam's brother, Dr. Steve, who had just only a short time prior thereto lost a child, Steve Sheppard did, at birth.

We will have testimony that will show, on this Friday afternoon before the party took place at the home of Dr. Steve Sheppard, that Marilyn Sheppard had shopped and brought in groceries in preparation for a party that was arranged by both

Marilyn and Sam for the 4th of July, sort of a picnic on the grounds, and that they had both joined in this idea, and that they had invited some of the young interns who were stationed at Bay View Hospital.

The evidence will show that that party was not a myth, because we will submit proof direct that Marilyn did the shopping, brought in the wieners, the hot dogs, and the other cold cuts that go to make up a picnic, and the beverages, and it was done with her enthusiastic desire for the purpose of entertaining not only friends of Sam's who were interning at that time at Bay View Hospital but friends of Marilyn who she had personally contacted and asked to be present on the 4th day of July.

We will show that she not only spent part of Friday afternoon prior to going to the party that was held at Dr. Stephen's home, but she utilized part of Saturday morning and part of Saturday afternoon in making this preparation for the picnic that was going to be held out there at 28924 West Lake Avenue.

Can you, with that picture, as the evidence will unravel, up to the present time say that the

finger of guilt points at Sam Sheppard?

MR. DANACEAU: I object to that again. This is no time for argument.

MR. GARMONE: I think John Mahon pointed his finger and said, "The finger of guilt points at Sam Sheppard," and I didn't object.

MR. DANACEAU: You are asking whether the jury can.

THE COURT: All right, let's proceed.

MR. GARMONE: We come down to the evening, ladies and gentlemen, of July 4th, 1954. Sam and Marilyn had invited Mr. and Mrs. Ahern over for supper that night. Prior to the Aherns coming over to the Sheppards they went over and visited with the Aherns, Chip and the son and daughter of Mr. and Mrs. Ahern. And while they were at the home there had come a telephone call requesting -- and this will be brought out by evidence -- that Sam return to the hospital immediately to tend to an emergency case arising out of an accident that happened in that vicinity.

The evidence will disclose that Sam left the home of Mr. and Mrs. Ahern, left Marilyn there, Chip and Mr. and Mrs. Ahern's son and daughter.

daughter, that he went over to the hospital and spent some time there, and when he returned he returned back to the Ahern home.

In the interim Marilyn had left the Ahern home to go over to her place to check on the food that she was cooking that she was going to serve that evening. After Sam's arrival back to the Ahern home, Mr. and Mrs. Ahern, the youngsters and Sam went over to the Sheppard house.

The evidence will show, ladies and gentlemen, that while they were there and prior to the time that supper was served, that either Mr. or Mrs. Ahern said to Sam, "My boy," meaning his son, the Ahern boy, "would like for you to take him downstairs and teach him how to punch the bag," a punching bag that was located in the basement of the Sheppard home. That Mr. Ahern, Sam Sheppard, Chip and the Ahern children went down to the basement of this home, and that Sam had rigged up something so that the boys could stand on it to reach the height of the bag.

MR. CORRIGAN: A basket.

MR. GARMONE: A basket. And that they spent some 10 or 12 minutes downstairs with these boys punching the bag, Sam punching the bag.

and giving them his benefit of the knowledge that he has as far as bag punching is concerned. That is testimony that will be offered for your consideration on the evening of July 3rd leading up to the fatal event of the morning of July 4th. That is testimony that will be offered for your consideration in your determination after you have been given a full description as to what frame of mind Sam Sheppard was in some hours prior to the discovery of Marilyn Sheppard's body.

After they had come back from out of the cellar, Mr. and Mrs. Ahern served supper to the youngsters in the kitchen, and then the Aherns and Mr. and Mrs. Sheppard went out to the porch, and that is where they had their meal.

And then after the meal was over, they all came back inside, and as described to you by Mr. Mahon, Mrs. Sheppard and Mrs. Ahern readied off the table and took care of the chores as far as the dishes were concerned, cleaned up after the supper had been had, and that they sat around the living room of the home at 28924 West Lake Road, the home that you were in yesterday and viewed.

And there will come from the Aherns testimony



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that throughout the entire evening, that the relationship that existed between Marilyn and Sam Sheppard was very friendly.

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There will come to you for your consideration testimony by Mrs. Ahern that just prior to her leaving the home -- and this will aid you in your determination as this picture is unfolded as to the frame of mind this young man was in, it will help you determine the statement that I had made to you earlier this morning that he is possessed of a gentle nature -- that Mrs. Ahern will say to you, ladies and gentlemen, that shortly before her leaving, or sometime before her leaving, that Sam and Marilyn shared the same chair, and that Sam and Marilyn displayed affection toward one another, and she will say to you without any dispute that it was a very happy evening that was spent by all the people that were there, Mr. and Mrs. Ahern, Mr. and Mrs. Sheppard, the children, the Ahern daughter, the Ahern son, and Sam's boy Chip.

That after they had conversed a while, that Sam went over to the couch. That was the couch that you saw up against the wall that formed the L in the living room. I think it was on the east wall of the L, and that he laid down there.

We will show by proof leading up to the events that I have described in that home, up to the present time, that Sam Sheppard had a very exacting day at the hospital, and after they had visited for a while, Sam went over to this couch and he lied down and he fell asleep, and on that subject matter we will present to you proof that there was nothing unusual about Sam Sheppard falling asleep on the couch. On that subject matter we will present to you that it was nothing unusual for Sam Sheppard to fall asleep on company that he had in his home, but also to fall asleep at a home or homes where he had been a guest, and the evidence in that direction will be that this wasn't a sleep that can be classified as dozing off, but that when Mr. and Mrs. Ahern had left the home of Sam Sheppard, they will testify without dispute for your consideration that he was sound asleep.

Now, they have stated in their opening statement that Mrs. Ahern will say to you that the door that leads out to the porch had been closed by Mrs. Ahern. We will offer on that subject matter, not any testimony that will dispute Mrs. Ahern's closing of the door, but we

will provide for you testimony that before she had left the home, she was without knowledge as to whether that door had been opened after she had closed it. Her testimony will be that as far as she remembers she closed the door. We don't dispute that fact, but I say to you when we arrive at that portion of Mrs. Ahern's testimony, if she is called as a witness, to remember what I have said with relation to the door closing.

After the Aherns had left, and left Sam asleep on the couch, sometime during the morning, the early morning of July the 4th, Sam was aroused by what he thought was a call from Marilyn; that he went upstairs, went into the bedroom, started into the bedroom when he was struck and rendered unconscious, and that after he had collected himself, and the evidence will show that he was still in a dazed condition, he went over and made an observation of Marilyn's body.

The evidence will show, ladies and gentlemen, that at that point there came a flash through his mind that sent him into the room of Chip, his boy, to see whether or not anything had happened there,

3 and that while he was in the room that Chip occupied, he heard a noise. He started down the steps, and that he saw a figure of a person that was going to the door that leads out into the porch through the door, and that he pursued that person, that figure, and keep in mind that it was still dark, daylight had not fully come, and that he pursued the figure down the steps, the steps that you viewed yesterday, and onto the beach, where in another struggle he was again rendered unconscious, and when he awakened he found himself lying with his feet toward the lake and his head toward the road.

The condition of the beach that you viewed yesterday was not in the same condition that it was on the morning of the 4th of July. The evidence will show you that there was a good 10 or 12 feet of beach in both directions, so that a person could walk without getting wet on the sand that constituted this 10 or 12 feet of beach, and then that after Sam Sheppard had gathered himself up, as it was described, he was wallowing in the water, he went back up the steps, into the home, and the evidence will show at that time that he was in a dazed condition, and that he

went up into the bedroom where Marilyn's body was found, and he then, with the intuition of a man of his training has, felt and examined her to determine what her actual condition was; and that he gave her a pulse examination that necessitated the touching of the body, not only the arm or the hand, but the pulse examination that necessitated the touching of the body about the throat, the upper portion of the body.

Yes. There was much blood in that room, much blood, but the evidence will show, ladies and gentlemen, that with the exception of blood that was found on the trousers that were worn by Sam Sheppard on that evening -- and the Aherns will tell you that the trousers that were found on Sam Sheppard that night after they were called to look them over -- were the same trousers that same Sheppard wore throughout the entire evening. The evidence will show that they were the same trousers that Sam Sheppard had on when the Aherns left the living room while he was sound asleep.

And that after he had performed or did what I have just described to you, that he walked around in a daze, and then called Mayor J. Spencer Houk.

We will supply proper proof that when the Houks arrived there was a statement made that the door was closed, but we will offer for your consideration that the door was closed but not by lock. We will give you testimony that all that was necessary for the Houks to do to open that door was to turn the knob and walk in. Nobody had to come to it, they didn't have to tear it down, and it wasn't necessary for anyone to use a key. And in that regard we shall endeavor to supply for you proper proof that when the Houks walked in, Mr. and Mrs. Houk, J. Spencer Houk and Esther Houk, that Houk walked to the living room and then saw Sam in the study and went in there.

The testimony will disclose that Houk at no time went upstairs at that particular point, and that he said to Sam, "What happened? Tell me about it." I shall not, ladies and gentlemen, at this time relate to you what we expect the evidence to show at that particular scene because I want you to hear it not from me by way of an opening statement, but I want you to hear it for your consideration by the witness who was in that room and let him describe the picture

for you as to what transpired at that particular time.

And then after Mrs. Houk, the evidence will disclose, had gone upstairs, she came down and she says, "My God, Spence, call somebody, call everybody, something terrible has happened."

Up until that time I can't state to you in my opening statement, so that is the reason I say that we wait until such time, if Mayor Houk is used as a witness to describe that portion of the events leading up to this tragedy.

Upon the statement made by Mrs. Esther Houk, the Mayor called the Police Department of Bay. And you will be given testimony that it was no longer than five minutes or thereabouts before there arrived at 28924 West Lake Road, after Mayor Houk had made the call, members of the Bay Village Police Department, members of the Bay View Fire Department, Bay Village Fire Department, and I will come back to that subject matter a little later in my statement. And that after the Police Department and Fire Department had arrived there, there were many people that came in and out of the home and were permitted, not in the preservation, the evidence will dis-



close, to protect the man who may be suspected of first-degree murder, but the evidence will disclose that people were permitted to run in and out of that home, up and down, in and out of every room, with no -- and this evidence will come to you -- with no thought in mind of preserving the right of justice that every individual under our system of democracy has in this country.

We will then prove by proper testimony, ladies and gentlemen of the jury, that after there had arrived there members of the Police Department of Bay, members of the Fire Department of Bay, that a short time thereafter at 28924, contrary to some of the things that have been said, but here is where we will get the facts, that members of Inspector McArthur's department, mainly Schottke and Gareau who are connected with the Homicide Unit, came on the scene. I will not go into the examination or the investigation that they made in or about the premises. Let them tell you about it, because they will be, no question about it, in a better position to give you their testimony than I am at this time to anticipate it on an opening statement.

As we unravel and unravel the events leading

up to this tragedy, as I have stated, we come down to that scene now where Sam had been removed from the home by his brothers, by Dr. Steve assisted by a Dr. Garver and in company was Mrs. Stephen Sheppard. The evidence will show, ladies and gentlemen, that the removal of Sam wasn't an instrument that was used to whisk him away, but that Dr. Steve had said to Chief Eaton, "I am preparing to take Sam to the hospital." And that is what we will submit for your consideration on that subject matter.

After Sam had arrived at the hospital, he was undressed, that is, the clothes that he had on at the time were removed from his person, and we will, through parties who are disinterested, not members of the Sheppard family, offer you for your consideration that when the clothes that Sam had on when he was removed to the hospital were taken off of him, not by Dr. Steve Sheppard, not by Dr. Richard Sheppard, not by Dr. R. A. Sheppard, his dad, or any other doctor connected with the hospital, but by a nurse, who at the time, the evidence will disclose, had no knowledge that there had come to the Sheppard home this great tragedy that he now sits here on trial for, this

great tragedy that the State asks his life be taken for, and after the removal of his clothes, he was prepared for the X-ray room and was taken there.

We will, ladies and gentlemen -- and this is most important -- give you for your consideration the testimony of an X-ray technician who was not immediately present at the hospital when he was first brought in but had been called, and she attended this young man in the X-ray room, not in the presence of Dr. Steve Sheppard, not in the presence of Dr. Richard Sheppard or any other member of his family, but she was in that room alone with him, and her testimony will come to you direct and to the point where it won't be necessary for you to draw any reasonable conjectures or any inferences on inferences. She will say that Sam, in the dazed condition of her observations, kept repeating, "I tried to get to Marilyn, I tried to get to Marilyn, I tried to get to Marilyn."

We will in that particular category of proof show you that Sam was not talking from a mind that was free of any cobwebs, he wasn't talking from a mind that was coherent, but when

14 those statements were being uttered, and only in the presence of that X-ray technician, that he was dazed and incoherent, and the statements came from a mind at the time that was subconscious. Consider that piece of testimony when it is offered for your consideration in the determination of the guilt or innocence of this young man.

MR. PARRINO: If the Court please, we must object to this type of an opening statement at this time to his extended comments.

THE COURT: Yes, it is somewhat in the realm of argument, Mr. Garmone.

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MR. GARMONE:

We now get down to the -- back to Schottke and Gareau. There has been much said about a wall that was built around this young man. Officer Schottke and Gareau, not members of the Bay Village Police Department, but members of the Cleveland Police Department, took a statement from Sam Sheppard on July the 4th, 1954. Officers Schottke and Gareau interrogated Sam Sheppard. On July 4, 1954, shortly after he had been removed to the hospital, not in the presence of Mr. Petersilge, not in the presence of Mr. Corrigan, not in the presence of any members of his family, but their interrogation was made in their own presence and in the presence of Chief Eaton.

And we will show by proper proof that when Sam was asked whether he cared to be questioned by these police officers, or his condition was such that he was able to, he made no objection to it. He said, "I want to cooperate to the fullest extent."

And then we will show by proof of these two officers that Schottke and Gareau came back later that afternoon and questioned this man for a period

that exceeded one hour or better.

Keep in mind, if you will, that the evidence will show that Schottke and Gareau arrived out in Bay Village at the request of Chief Eaton, not those particular police officers, but a request made direct to the Cleveland Police Department, and their arrival there, the evidence will disclose, was not days after the incident, it was not hours upon hours after the incident, but was within a short time after Sam Sheppard had been removed to the hospital, and at that time there was no -- and there will be no evidence of any mythical wall that was thrown around this young man -- because at that time, in spite of his condition, he offered to the best of his ability and recollection his cooperation.

Sam was examined at the police department by doctors who were called in through the Coroner's office. I won't touch or speculate on his testimony in my opening statement, but I say to you now that if Dr. Hexter is called to offer his testimony for your consideration in this case, accept it, weigh it, give it the credence that the Court tells

you that it is entitled to under the law, and then decide in your mind, if you will, whether any reasonable conjecture or reasonable inference upon an inference can be drawn as to what this man's condition was when he examined him, and Dr. Hexter was the physician that was called by Dr. Gerber.

In line with the medical testimony, we will offer you proper proof that he was injured, seriously injured. That one side of his face was battered, and we will, without any dispute, ladies and gentlemen of this jury, submit to you proper and competent testimony by a doctor not connected with osteopathy, but a man who is a member of the medical field, that his spinal cord was injured. You will have that to consider when this unfolding has been completed within these four walls from people who will testify from that witness chair.

We will prove to your satisfaction by proper testimony and through witnesses that will be offered by the State of Ohio, that this man wasn't afforded the kind of an investigation that a citizen of our community should be afforded. We will give you

evidence that after Officers Schottke and Gareau had spent the time that they did with him upon their questioning in the morning and the questioning in the afternoon, without having any knowledge -- and this will be brought out by proof -- of the descriptive condition that Marilyn's body was found in, without having any knowledge, or full knowledge that an officer should have in the investigation of a matter of so great an interest, not only to him, but everyone who finds himself in that position, that after they had questioned him the second time, Schottke said of Sam, "I don't know what you think about it, Chief Eaton, but you close your investigation out now." This is the 4th of July I am talking about. "Here is your man."

And then what happened? What happened? The Cleveland Police Department -- and this will be testimony that will come to you -- backed away from this case, and that at some later date, after the creation of this great hysteria that came about through the medium of newspapers, radio and television, they came back into it, and they knew no more after they got back into the case -- and



the evidence will disclose to your satisfaction -- they knew no more after they had conducted, if they did, any further investigation -- and let them tell you about it -- than they know today, that would have any bearing on the issues that we are contesting here today.

MR. PARRINO: I am objecting. Just a moment.

THE COURT: Yes. That is getting away from a statement.

MR. GARMONE: Well, ladies and gentlemen of the jury, so that, as I said, there were many people in and out of this place, many people, but not Sam Sheppard, because he was barred from his home, and that they trampled in every room, not only on the day that the murder was discovered, but on many days leading up to the time of Sam's arrest.

And we will show an important piece of testimony in this matter that though this tragedy came to Marilyn Sheppard on the 4th day of July, that with all the instruments, and with all the facilities that are at the command of the Coroner's office of our County, that there was not made a

microscopic examination of anything in that home until July 25, 1954, and the evidence leading up to that date will convince you that there were people in and out and everything in the home handled by everyone.

And I want you to remember, if you will -- I didn't have the privilege of going upstairs in the home with you there yesterday, I got lost somewhere in the shuffle. As a matter of fact, Chief Eaton wanted to stop me from coming in. He didn't know who I was.

But your attention was probably called to the doors, one door that represented a door leading into a closet, if I remember correctly, and the other door that led in or out from the bedroom that you viewed, and you saw many stains on the door of a darkened nature. I want you to keep that in mind. And I want you to keep in mind when and if those facts are brought to your attention during the course of this trial, the rail that led down or the rail that led up from the beach or the beach house. I want you to keep in mind all the other furniture in the downstairs portion of the premises. You have that picture. That is one purpose or one good reason why the law

requires that you be given an opportunity to witness the scene, view the scene. Remember that.

In John Mahon's statement there was said about blood leading all the way downstairs and all over the downstairs. He said it was too long to determine -- or he said that it wasn't determined whether it was human blood or not, in some instances.

Is that correct?

MR. MAHON: They couldn't determine.

MR. GARMONE: They could not determine. I will put it in your language. That they could not determine whether the blood was human or not, in some instances. Should there be offered for your consideration testimony on that point, remember that the proof will be supplied to you that the microscopic examination of this place was not made until July 25th as against July 4th, 1954.

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And if they say that the blood couldn't be determined whether it was human or animal, I say to you now, ladies and gentlemen of this jury, that we will offer testimony for your consideration that most of the blood found about that household in the downstairs portion of the premises was the blood of the dog, Koko. And we will offer for your consideration in that direction that if they wanted any determination as to the element, they needed only to talk to Mrs. Helms, who was a part-time maid in the Sheppard home, and young seven year old Chip Sheppard. Remember those statements that we made to you in the consideration of this over-all picture that will be submitted for your consideration.

Then we move on now to the inquest. We will supply you with testimony that this young man testified under oath before his arrest, before he had been charged, for five and a half hours, at a school out in Bay Village, the auditorium of Normandy School; that he didn't, and the testimony will be offered to you, exert his constitutional right, he didn't exert that clause in the Constitution that says that no man --

MR. PARRINO:

If the Court please,

I wish to object.

MR. GARMONE: This is testimony.

MR. PARRINO: I know, but I am  
objecting to the Court.

THE COURT: Just state what you  
expect to prove.

MR. GARMONE: We expect to prove  
that he testified before he was charged for five  
and a half hours, under oath, at this inquest  
hearing. We will offer for your consideration  
in that particular category that he was questioned  
for numbers of hours by the Police Department of  
Bay Village, he was questioned for many hours by  
the Police Department of the City of Cleveland  
before he was charged.

Now, coming to the events that led to his  
arrest on July 30th, this man was arrested on the  
evening of July 30th about 10:30 p.m., in the  
evening, and we will offer testimony to show  
that the warrant that was issued for his arrest  
was issued by a man who was later declared to be  
prejudiced against Sam Sheppard by this very Court.

MR. MAHON: I object to this.

MR. DANACEAU: I object to this,  
if your Honor please.

MR. GARMONE: That is testimony.

THE COURT: Ladies and gentlemen of the jury, you will disregard that statement entirely. It has no place in this proceeding.

MR. GARMONE: I except.

And that after he was arrested he was brought down to the County Jail and placed on the fourth floor. We will offer testimony to show that the visiting hours on the fourth floor are on Fridays from 1:00 to 3:00 p.m., and he was arrested on Friday night at 10:30 p.m.

When you hear that testimony, you will give it the interpretation that you feel it should have.

And the testimony will show that on that Friday night there came to this jail, in these United States, Sam Sheppard's lawyer, Mr. Peter-silge and Mr. Corrigan, and we will prove to your satisfaction that they were denied admittance, and we will prove to your satisfaction that they were denied the privilege of consulting with him. You will remember all these things, those are things that will be developed in the trial of this case.

I am coming now to a point where I am

ready to conclude. We will give you the testimony of a Mr. Stawicki and a Mr. Knitter, who will describe from this witness stand the people that they saw in and about the premises at 28924 on the 4th day of July, and you wait to hear their testimony and wait till you hear them tell you what the description is.

Now, ladies and gentlemen, I have spent much time with you because I felt that it was necessary for me to make an effort to give you a general idea of what this case is about and what we will offer for your consideration.

Let me just say this: That after you have heard all the facts about this great tragedy, that you will be convinced by proof that the entire investigation that was conducted in the case of the State of Ohio versus Sam Sheppard was done but with one thought -- and this will be the proof that you will receive -- not with a desire to do justice but with a desire to defeat it; that when this entire story has been unfolded and when all the ends have been placed together, the evidence will convince you that the method of solution was not by the use of the wits of the Police Department that engaged

in this investigation but by the use of a whip, and that everything will point, when you get this entire descriptive picture, that they were going to solve the murder of Marilyn Sheppard by obtaining a confession from her innocent husband.

Thank you.

THE COURT: Ladies and gentlemen of the jury, we will now be adjourned until 2:15 this afternoon, and will you please be very -- please, gentlemen, gentlemen of the press, if we are going to have disturbance at the closing of these sessions, the Court will order that door locked. There will be no movement of any kind by anybody.

Please from now on. It will only take us a second and we are going to maintain order in the trial of this cause.

Ladies and gentlemen of the jury, will you please observe the caution which the Court has expressed to you, do not discuss this case at all, not even among yourselves.

We will now be adjourned until 2:15 this afternoon.

(Adjournment taken until 2:15 o'clock, p.m.)