

table will observe the room from time to time to assure themselves that prospective witnesses who have not been called but who are expected to be called, are not seated in the room. That will be the duty of each side of the table.

And now for and on behalf of the State of Ohio, by way of opening statement, either Counselor Corrigan or Spellacy.

OPENING STATEMENT ON BEHALF OF THE STATE OF OHIO

MR. CORRIGAN: May it please the Court, counsel for the defense, ladies and gentlemen: As Judge Talty had indicated to you, at this time each side is afforded the opportunity of making opening statements. The purpose of this is to advise you what we think the evidence will show.

The further purpose is so that you may more understandably and easily follow the testimony as the testimony and the evidence comes into this courtroom through the various witnesses.

Judge Talty had indicated to you that what we say in these opening statements are not evidence.

To review with you just for a moment the procedure that is employed in a criminal case, at

the outset there is, as you have already experienced, the selection of the jury in what is called the voir dire examination; and then that is followed by the view of the scene, the view that you had this morning.

Then that is followed by opening statements by counsel on each side.

At the conclusion of our opening statements then witnesses will be produced, testimony will be adduced, and exhibits will be offered.

At the conclusion then of the State's case the defense will put on their case, and if at the conclusion of the defense case, then once again counsel on each side will be afforded the opportunity of arguing to you what they believe the inferences were from the testimony and the evidence that was produced in the course of the trial.

Again, at that point Judge Talty will tell you that the arguments made by counsel are not evidence. They are merely, again, to help you to review the evidence so that you in turn then may ultimately retire and deliberate the case.

Immediately before you enter your deliberating room, Judge Talty will instruct you as to what the law is, what law is applicable in this case.

So at this point the procedure is to make an opening statement and tell you what we believe the evidence will show.

The Grand Jury returned an indictment charging this defendant with the crime of second degree murder. The indictment, again, which is not evidence, the indictment will be with you in your deliberating room, and it sets forth formally the charge that is made against this defendant, and the charge is that he purposefully or intentionally, maliciously, and unlawfully on July 4, 1954, in Cuyahoga County, killed one Marilyn Sheppard.

The evidence, ladies and gentlemen, will show that on July 4th, 1954, and for some months preceding that date, there lived at 2892¹/₄, I believe, Lake Road, in the city of Bay Village, in the county of Cuyahoga, a Doctor Sam Sheppard, the defendant in this case, and his wife, Marilyn Sheppard.

The evidence will show that they had a son approximately six years of age who lived there with them, a son, who had a nickname, Chip.

Preceding July 4th, specifically, July 3rd, 1954, arrangements had been made by Marilyn Sheppard and Mrs. Ahern, a neighbor who lived some several

doors away, to have dinner that evening in the Sheppard home.

The evidence will show that at about six o'clock in the evening the Sheppards, Doctor Sheppard and his wife, Marilyn, joined Mr. and Mrs. Ahern at their home, the Ahern home, where they had a couple of cocktails, and at or about eight o'clock in the evening, the Aherns and the Sheppards then retired to the Sheppard home; the Aherns with their two children, and the Sheppards with their son, Chip.

Some time that evening, Mr. Ahern and Doctor Sheppard walked down to the beach. The evidence will show that the home in which they lived on Lake Avenue fronted on Lake Erie, and in that connection I might add that there will be reference made to the front of the home, the evidence will show that that portion which faces the lake was regarded as the front of the home, and that portion which faced Lake Avenue was regarded as the rear of the home.

And that when Mr. Ahern and Doctor Sheppard went down to the lake they went down for the purposes of viewing the same, and the evidence will show that the lake was rather rough, and Doctor Sheppard was a little bit disturbed because he had

made some plans relative to skiing, water skiing, the following day on the lake.

They then retired to the Sheppard residence, and Doctor Sheppard and Mr. Ahern and several of the children went down into the basement of this home on Lake Avenue, or Lake Road, and there Doctor Sam Sheppard had shown a couple of these young people how to hit a punching bag.

The evidence will show that at that time he was attired in a T-shirt, a pair of cord slacks, a khaki jacket, socks, and a pair of loafer-type shoes.

And that some time in the course of being down in that basement he took the khaki jacket off. He subsequently came upstairs, and at about nine o'clock the Aherns, Mr. and Mrs. Ahern, Doctor Sheppard, and his wife, ate dinner out on a screened porch, which is on the front of that house and again fronting on the lake.

The evidence will show that the Ahern children and the Sheppard child ate their dinner in the kitchen.

The evidence will show that the dinner that evening was among other things, ham and pie; and that they had concluded their dinner at approximately ten o'clock.

The evidence will show that it was a rather chilly night, so much so that Mr. Ahern to ward off the coldness of the night put on a jacket of some sort, and that Doctor Sam Sheppard put on a corduroy jacket.

After they had completed their dinner and the ladies had cleaned up afterwards, they all retired to the living room portion of that room, where they watched a movie on television, and they listened to a baseball game between the Cleveland Indians and some other ball club.

The evidence will show that Mr. Ahern was primarily and particularly concerned with listening to the ball game, and the others were concerned with watching television.

Some time during the course of this Doctor Sheppard went over to a couch, and the evidence will show that this couch was located along a wall, the wall being that wall that formulated the outside wall of the staircase going into the upper portion of the house.

And that Doctor Sheppard lay on this couch with his head pointed in a northerly direction toward the lake, his body down or face down, his chin on a pillow, watching television.

The evidence will show that subsequently he fell asleep.

Going back for just a moment, at the time the dinner dishes were cleaned off of the porch, and brought into the house, the evidence will show that Mrs. Ahern bolted and locked the door leading from the living room portion of the house out on to the screened porch on the front of the house.

At about 12:00 or 12:30 -- withdraw that. Prior to that time, somewhere in the vicinity of 10:30 Mr. Ahern took his children home, and then he returned. Young Chip was put to bed about the same time in his home, and it was only the adults that were in attendance at the television and radio situation that they were all involved in.

And at about 12:00 or shortly thereafter, the Aherns decided to leave.

The testimony will show that at this time Doctor Sam Sheppard was asleep on the couch that I have made reference to, and they left, and Marilyn Sheppard saw them to the door and closed the door behind them as they left.

The evidence will show that when they left there were lights on in the lower portion of that house and in the second floor portion of that home.

The evidence will show that approximately quarter to six in the morning, Mayor Spencer Houk, who lived several doors away, received a telephone call from a voice that he recognized as being that of Sam Sheppard's, and that this voice asked Mayor Houk to come over to his house, that something had happened to Marilyn, or words to that effect.

The evidence will show that Mayor Houk dressed. He woke his wife; and the evidence will show that Mayor Houk has a stiff knee, and that he and his wife drove their automobile from their home over to the Sheppard home.

And upon entering the rear door of the Sheppard home, that is, the door that faces Lake Road, the evidence will show that Mr. and Mrs. Houk found the defendant Sam Sheppard in a room just off to the right of a hallway leading off that doorway, and the evidence will show that this room generally was referred to and regarded as a den.

And in this room, the evidence will show, they made observation of Sam Sheppard in a chair with trousers and socks and some loafer-type shoes on, but naked from the waist up.

The evidence will show that they observed some facial injury to Doctor Sam Sheppard, and that

he had complained of some neck injury.

The evidence will show that Mrs. Houk made her way to the upper portion of the house, and when she got up into a bedroom, which the evidence will show the bedroom was that of Marilyn and Doctor Sam Sheppard, she found two twin beds, and in the bed closest to the door she saw Marilyn Sheppard.

The two twin beds, the evidence will show, were of the type, I believe, that is referred to as the Early American, the four-poster type bed.

The evidence will show that these two twin beds had posters at the foot of the bed and then a cross-piece running from one poster to the other, and that Marilyn's body was pulled down about a quarter of the way on to the bed, so that her knees, or, her legs were underneath the bar that extended at the foot of the bed from the two posters, and her legs were bent at the knees so that they would follow the contour of the mattress that were down across the foot of the bed.

The evidence will show that the pajamas were off of one of her legs, and hanging on to the other; that the upper portion of her pajamas were up toward her neck, exposing in some measure her busts.

The evidence will further show that there was much blood on the bed, on the pillow on the bed, and generally around the face of Marilyn Sheppard; and that Mrs. Houk after seeing this, the evidence will show, that she had come down into the lower portion of the house, and had reiterated to Mayor Houk what she had seen upstairs.

The evidence will then show that Mayor Houk then called the police, and subsequently the police arrived.

He also called a brother of the defendant Sam Sheppard, I believe it was Richard Sheppard.

The evidence will show that Doctor Sam Sheppard was an osteopathic physician and surgeon connected with Bay View Hospital in Bay Village, as was his brother, Richard Sheppard, and another brother, Stephen Sheppard, and their father, I believe, Richard Sheppard, Sr.

The evidence will show that shortly thereafter police officials arrived, and they determined to call the police from the city of Cleveland, and also to call the County Coroner.

The evidence will show that these police officials talked with Doctor Sam Sheppard, and he had indicated to them that some time through the

night that he was awakened, he had heard some moaning, he had heard some calling from the upper portion of the house, and that he got up and went up the steps, and when he got up to the bedroom, the evidence will show, that he said he was clobbered by someone and rendered unconscious; and that he, in going into the bedroom, had observed a form in the bedroom.

The evidence will show that he then reiterated that he at some time later came to, and found himself seated on the floor, that he made his way out of the bedroom, he had heard some noise downstairs, that he went downstairs, and he perceived a form going across the porch, on the front side or the lake side of the house.

That he pursued this form out of the house and down the steps leading down to the beach of Lake Erie, and that when he got near the bottom of the steps or in that vicinity, that he again encountered and grappled with this form, and that he again was rendered unconscious.

The evidence will further show that he said he came to with his head facing toward the land side, and that he was wallowing in the lake with the waves washing over him.

The evidence will show that he then indicated that he had left the beach, he had come back up to the steps, and he had come into the house, went back into the bedroom, and he perceived that Marilyn had died.

The evidence will show that he then said he tried to recall a number and he recalled Spencer Houk's, Mayor Houk's number, and that he had called Mayor Houk.

The evidence will show that additional police investigation was conducted, and reasonably interpreted the evidence will show that there was no breaking in or forcible entry into the Sheppard home that night.

The evidence will show, also, that Marilyn Sheppard died between the hours of three and four o'clock in the morning, and the evidence will show that there were lights on in the Sheppard home through the course of that night somewhere in the vicinity of about three o'clock in the morning.

The evidence will further show that Marilyn Sheppard met her death by reason of some 25 or 35 wounds inflicted by a lesser number of blows, but inflicted by an instrument capable of making more than one wound at a time.

The evidence will show, ladies and gentlemen, reasonably interpreted, that there was no one in that house that night other than Sam Sheppard and his son, Chip, and Marilyn.

The evidence will show beyond any reasonable doubt that on the morning of July 4th, that Sam Sheppard unlawfully, purposefully, that is, intentionally, and maliciously killed his wife, Marilyn Sheppard.

Thank you, your Honor.

THE COURT: Counselor Bailey
or Sherman?

OPENING STATEMENT ON BEHALF OF THE DEFENDANT

MR. BAILEY: Ladies and gentlemen, just as Mr. Corrigan prefaced his opening statement with some explanation, I think I should do the same first.

I adopt and endorse the things he told you about the procedure, which is going to be followed in this trial and the order in which things will be done, and also his statement that what we tell you here is not evidence.

It is an outline, the framework in which