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5-3-1955

## William J. Corrigan Affidavit

William J. Corrigan  
*Counsel for Sam Sheppard*

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State of Ohio,  
County of Cuyahoga,

IN THE COURT OF COMMON PLEAS

CRIMINAL BRANCH

No. 64571

State of Ohio, :  
 :  
 Plaintiff, :  
 :  
 vs. :  
 :  
 Samuel Sheppard, :  
 :  
 Defendant. :

WILLIAM J. CORRIGAN, being duly sworn, says that he mailed to Dr. Paul L. Kirk, whose affidavit has been filed by the defendant in this motion, the affidavit of Dr. Roger W. Marsters, whose affidavit has been filed by the State in this motion.

That said Dr. Kirk received the affidavit of Dr. Marsters on May 3, 1955, at his residence, 1064 Croxton Road, Berkeley, California; that after receiving it, he telephoned to this affiant on May 3, 1955, the following analysis of the affidavit of the said Dr. Marsters:

The affidavit of Dr. Roger W. Marsters has been read and examined. The following items are noted:

1. Dr. Marsters has not stated any qualifications in absorption grouping of dried blood. His regular work as a clinical laboratory technician does not involve absorption grouping, nor does paternity testing, supervision of blood banks, nor Rh grouping in maternity matters. The technique of grouping fresh blood is entirely different from that of dry spots, and experience in neither carries over directly to the other.

2. Quantitative differences in regular blood grouping do occur, as stated by Dr. Marsters. Much greater differences occur in grouping dried blood because of variations in the conditions under which blood is stored, admixtures with foreign substances, and similar conditions, numerous of which are mentioned by Dr. Marsters. However true these considerations may be, they do not apply to the present case.

3. To the extent that differences in behavior of two blood samples are caused by quantitative differences in composition or treatment, such differences in behavior of blood are significant in distinguishing origin. One person shedding two drops of blood at the same time sheds the same blood qualitatively and quantitatively. If those drops are stored under identical conditions and treated identically in grouping them, the only variations in behavior that can occur are those due to minor variations in technique or conditions. Experience shows these to be extremely small when run by experienced persons.

4. Two samples of blood from two different persons even though of the same group will not have the same composition, and very often will behave differently, even at the time of taking the sample, as is well known to all who handle blood. If the two drops are shed at the same time, received on the same surface, and treated in every respect identically afterwards, any variation in them of a magnitude greater than the small experimental variation must be significant.

5. No reasonable doubt can be raised as to the identical time of deposit of the two drops of blood involved in this matter. Both were deposited on the same paint, on the same panel of the same door and close together. They were neither one disturbed until removed, as indicated by sworn testimony during the trial and by affidavits. They both showed an appearance which is normal for dried blood, free of contaminating substances, fingerprint powder, physiological matter other than blood, and

any visible contaminate whatever. They show no results of previous testing, such as scraping, treatment with reagents, or other contaminating operations. They were never tested by spraying with luminal reagent, if the testimony of the prosecution is correct, and it would be virtually impossible to spray one of the spots without spraying the other simultaneously. In brief, there is no indication whatever of any accidental or uncontrolled variation between the two spots that could account for the differences claimed.

6. No postulate was made by me of "different qualities of Type O blood characteristic," nor of any hypothetical "sub-group." Rather the claim concerns different qualities of blood, both of which happen to be of Type O. It is, however, well recognized (See Lattes "Individuality of the Blood"), that wide differences do occur in Group O bloods.

7. Solubility differences claimed do not rest on different times necessary to dissolve difference size of samples. The samples used were of closely the same size, and the difference in solubility rather was so great as to be many times that which could be caused by different size of sample.

8. It is well known that agglutination of cells in the presence of blood from a pregnant woman is more rapid than for non-pregnant persons (See Lattes "Individuality of the Blood"). Agglutination in presence of known blood from the bed on which the victim died was even more rapid than was that of the controls, which was found also with the lower spot from the wardrobe door. Both were in very marked contrast to the very slow speed of agglutination of the identical serum-cell system containing extract of the large spot. All were determined simultaneously with the same serum, cells and equipment, and all were repeated for verification with the same results.

9. No answer has been made by Dr. Marsters to the fact that a spot of this size, impacting with a very low velocity at right angles to the receiving surface, cannot under any circumstances come from spatter from the blows, and that it could not be duplicated by back-throw from a group of objects suitable as weapons which were tested.

10. No answer was made by Dr. Marsters for the difficulty of the prosecution experts in determining the universal blood group of blood on the defendant's and victim's watches, while having enough blood to determine the M factor. The only explanation that has been advanced is the same as claimed for the large spot which was very difficult to group for the A and B factors, while known dry blood of Marilyn Sheppard was very simple to group. If this blood was, in fact, that of a third person, the discrepancy is completely explained.

11. Neither Dr. Marsters nor any other witness directly tested this large spot, even though it was unique in appearance and called for such test to be made during the long interval of custody of the bedroom by the prosecution.

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The foregoing was taken in shorthand by Sidney Gantverg, a Notary Public and court reporter, who listened on a connecting telephone line to the statement made by Dr. Kirk to this affiant; that afterwards Court Reporter Gantverg dictated the statement of Dr. Kirk to Phyllis M. Abersold, a transcriber, who reduced the statement herein contained to typed form.

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William J. Corrigan

Sworn to before me and subscribed in my presence, this 3rd day of May, 1955.

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Sidney Gantverg  
Notary Public in and for the  
State of Ohio.

My commission expires September 13, 1957

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