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THE WEATHER

TONIGHT—Partly cloudy and cooler. Low, 64.

TOMORROW—Partly cloudy and cooler. High, 82.

U. S. Weather Bureau Official Forecast

CLEVELAND NEWS

"A FRIEND OF THE FAMILY"

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CLEVELAND, OHIO, SATURDAY, JULY 31, 1954

Wirephotos, Exclusive Evening News of the Associated Press and International News

DR. SAM FACES QUIZ AT JAIL ON MARILYN'S 'FEAR' OF HIM

Police Assert Couple Had Violent Rows

BY HOWARD BEAUFAIT

A key piece of evidence in the circumstantial case of first degree murder against Dr. Samuel H. Sheppard today was in the hands of homicide detectives who closed in to question him about the club-slaying of his wife.

Deputy Inspector James E. McArthur revealed that he learned that Marilyn Sheppard had violent quarrels with her husband over another woman and that she "feared for her life."

As the 30-year-old Bay Village osteopath was jailed and charged with the premeditated murder of his pregnant wife, July 4, his attorney, William J. Corrigan, started legal machinery in motion to free him on a writ of habeas corpus and block police from questioning him.

McArthur disclosed that the information that Marilyn Sheppard was afraid of her husband's temper came from Police Chief John P. Eaton of Bay Village.

Eaton, the inspector said, confided that he learned of the quarrels in the Sheppard family from Mayor J. Spencer Houk.

Houk when confronted by Chief Eaton denied telling him that Sam Sheppard was running around with a nurse at Bay View Hospital, or that Marilyn feared for her life because of her husband's infidelity.

McArthur said that when Mayor Houk was questioned under a lie detector the machine indicator showed deception when he was asked these two questions:

"What happened to the white T-shirt?" (A T-shirt worn by Dr. Sheppard on the morning of the murder is missing.)

"Have you answered all questions truthfully?"

The inspector said that all members of the Houk family would now be requested about the new and vital information. He said he would ask that the mayor's wife and 16-year-old son, Larry Houk, also take the lie test.

Questioning of Dr. Sheppard by homicide men working in relays began at noon after attempts to have the prisoner examined by a brain specialist and a police surgeon had been blocked by Attorney Corrigan.

Chief Frank W. Story said he had been told by Corrigan: "I have advised my client not to talk to anyone but his attorneys. These men are medical doctors and Dr. Sam is an osteopath and he would not be able to get a fair examination from them."

Dr. George S. Greene and Dr. Spencer Braden, asked by Chief Story to make the examination, said they resented Corrigan's charge that they would not give a fair examination.

Story said: "We have given Dr. Sheppard the benefit of a physical and mental examination which has been turned down. We are now ready to go ahead with the questioning."

When Dr. Sam was admitted to the jail he was given a routine check by the jail physician, Dr. Eugene Mankovich, who found him in apparent good health.

Sheriff Joseph M. Sweeney said that the osteopath placed in his charge would be given the same treatment as any other prisoner.

The sheriff permitted two brothers, Drs. Stephen and Richard N. Sheppard, to visit Dr. Sam this morning. They brought him tobacco, clothing and a portable radio.

When he emerged from his brother's small cell, Dr. Richard told reporters: "Sam is comfortable under the circumstances. I guess he feels just like any other ordinary person would feel after spending a night in jail."

Dr. Sheppard spent the night in a small solitary confinement cell on the fourth floor of County Jail. Chief Jailer Michael Uccello reported that the prisoner slept throughout the night, ate the regular prison breakfast of cornflakes, bread and coffee, and then fell asleep again.

Chief Story and Deputy Inspector James E. McArthur conferred on plans for the questioning which they hope will culminate in a confession.

Questions hammered at Dr. Sam revolved around

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Dr. Sheppard Faces Quiz in Jail On Marilyn's 'Fear of Violence'

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motive for the brutal and lethal beating which ended the life of attractive Marilyn Sheppard in their lake-front home at 28924 West Lake Rd., Bay Village, July 4.

Capt. David E. Kerr said he wants to find out why Dr. Sheppard lied about his amorous affair with Miss Susan Hayes, 24, medical technician who admits he made love to her and bought her gifts.

Before the examination of Dr. Sheppard is completed he will be confronted with Miss Hayes in one of the small homicide questioning rooms on the third floor of police headquarters.

Attorney Corrigan, representing Dr. Sam, appeared at County Jail this morning for a conference with his client.

After the conference Corrigan went to Common Pleas Court and filed a writ of habeas corpus, charging his client is being held illegally.

Common Pleas Judge Frank J. Merrick will hear the writ at 10:15 a. m. Monday.

An orthopedic collar Dr. Sheppard has worn for an injury he said was inflicted by the man who killed his wife, was taken from him when he was placed in a cell.

Corrigan said that Dr. Sam had been illegally arraigned before a Bay Village councilman, Gershom M. M. Barber, where the prisoner formally entered a plea of not guilty.

Barber acted for Mayor J. Spencer Houk, a close personal friend of Dr. Sheppard, who disqualified himself to preside at the arraignment because he is also a material witness in the case.

Coroner Samuel R. Gerber, notified that the writ had been filed, deputized one of his employees, John Bolcher, to serve it on Sheriff Joseph M. Sweeney who has custody of the prisoner.

If Judge Merrick should hold that Dr. Sheppard is not being illegally held or deprived of his civil rights, he would remain in jail at least until Aug. 7 when a preliminary hearing is scheduled before Councilman Barber, acting as mayor, on the first degree murder warrant.

It is also possible that the County Grand Jury would hear testimony in the murder case and return an indictment before the Aug. 7 hearing which would then be eliminated.

Decision to charge Dr. Sheppard with the planned murder of his wife was reached at 9 last night by Bay Village Law Director Richard S. Weygandt.

The murder warrant quickly followed and set in motion a dramatic sequence of events that led Dr. Sheppard to County Jail.

At 12:45 this morning Corrigan appeared at the jail and demanded to see his client. He was refused by Night Jailer Joseph Yusko who told him that visitors were not permitted after 7 p. m.

Corrigan left and returned this morning.

Dr. Sheppard was awakened at 5:15 a. m. by one of three deputies who stood guard over him during the night. He washed and had breakfast, then flopped back on his prison cot and went to sleep again. The cell measures four by six feet.

During his trip to jail Dr. Sam wore a blue sport shirt, light blue slacks and a white T-shirt similar to the one he said was taken from him by his wife's killer.

Handcuffed to Patrolman Fred Drenkhan Jr. of Bay Village, Dr. Sam was brought into County Jail at 11:30 p. m. after a whirlwind of official action which began at 8:30 p. m.

Solicitor Weygandt notified reporters in front of his home at 579 Huntmere Dr., Bay Village, that he would announce his decision in the Sheppard case about 9 p. m.

Weygandt had been studying the evidence in the case for two days. At 9:05 p. m. he came out on his front steps with a stack of prepared statements. At the request of newsmen he read the statement:

"In announcing my decision and recommendation to Mayor Houk I want to emphasize that my conclusions are based entirely upon a detailed and dispassionate study of all the evidence which has been found. I have ignored entirely all private and public theories and persuasions of persons who have not officially investigated the case.

"I have reported to Mayor Houk that the evidence which I have reviewed is of such weight that in my opinion there is probable cause to believe Dr. Sam Sheppard guilty of the murder of his wife, and I believe his arrest should be made."

He then told reporters that a half hour previously Barber had issued a first degree murder warrant sworn to Houk to step aside since he would be a material witness in by Bay Police Chief Eaton. He said he had advised Mayor the case.

Lt. Clifford Mercer and Drenkhan arrested Dr. Sam at his father's home, 23048 West Lake Rd. and brought him to the Bay City Hall at 10:15 p. m. They first had gone to the home of a brother, Dr. Stephen, in Rocky River where Dr. Sam had been previously.

Reporters were locked out while the officials discussed strategy. They decided to have an immediate preliminary hearing and held it in the second floor council chamber.

Dr. Sam sat quietly on Barber's left between Chief Eaton and Drenkhan. He was clad in a T-shirt and light trousers, he held a suede jacket and a blue sweater in his lap. His fingers played constantly with the orthopedic neck brace.

His voice could hardly be heard as he told Barber he had notified his counsel, Corrigan, who "is on the way here."

"When did you notify him?" Barber asked.

"When the police were arresting me," replied Sam.

Barber then read the charge to him which said in part: "Before me came John P. Eaton who deposes and says that one Sam Sheppard on or about the fourth of July in the year of our Lord 1954 did purposefully, willfully and with premeditated malice kill his wife, Marilyn R. Shepard."

Asked to enter a plea, Sheppard waved his left hand nonchalantly and said:

"Naturally, I plead not guilty."

Solicitor Weygandt then asked for time to prepare his case and Barber set the aforementioned hearing date and directed Chief Eaton to take Dr. Sheppard to County Jail.

Sheppard quietly asked permission of Weygandt to remain at the City Hall so he could confer with his counsel. Barber said that he could have a conference with his attorney in County Jail.

Sheppard then asked Weygandt if there wasn't some legal method of delaying the trip to County Jail. Weygandt told him that he already had legal counsel and that it wouldn't be proper for him to advise Sheppard.

Barber said "You will be taken to County Jail and no bail will be set. Your attorney can see you there. I am sure you have been given all the privileges you are entitled to under the law."

Police assisted Dr. Sam into his suede jacket and he tightened his lips as reporters asked for a statement.

Mayor Houk sat on his council president's right throughout the preliminary hearing, his face drawn and serious. He said nothing. Council clerk Mrs. Esther Aldrich took the record of the proceedings.

Police arrived at County Jail about 11:30 p. m. and hustled him in the back entrance to the jail.

Sheppard was taken up to the fourth floor, the quarters for dangerous prisoners among Sheriff Sweeney's guests.

After the hearing, Sheppard said only one thing heard by The News.

As he was going down the front steps of City Hall in the glare of camera lights, he said:

"The lights have got my eyes. Will you guide me?"

Drenkhan guided him.