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54/12/30 'New Evidence' Plea Wins Stay

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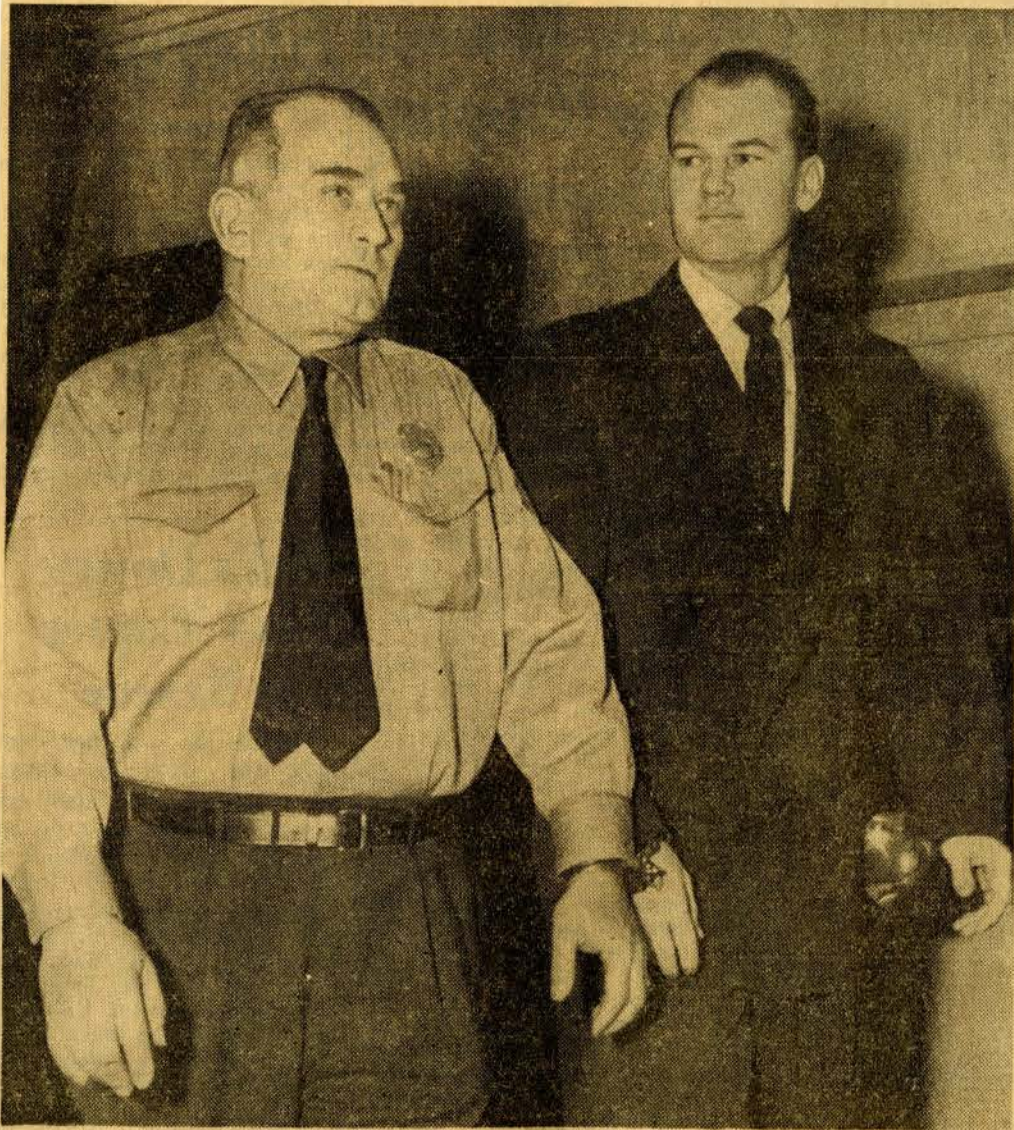
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'NEW EVIDENCE' PLEA WINS STAY

Dr. Sheppard Gets Reprieve To Jan. 8



Dr. Samuel H. Sheppard leaves jail elevator and heads for new-trial hearing in the custody of Deputy Sheriff Walter Opalka.

BY HOWARD BEAUFIT

Defense attorneys for Dr. Samuel H. Sheppard today saved him from an immediate trip to the Ohio Penitentiary with a plea that they had "newly discovered evidence" to present.

Common Pleas Judge Edward Blythin granted the defense a further stay of execution of a life sentence for the Bay Village osteopath until Jan. 8.

At that time, Attorney William J. Corrigan said he would present his new evidence in an effort to get a new trial for Dr. Sam who was convicted of the July 4 murder of his pregnant wife.

In support of a second motion for a new trial claiming 43 "errors" in the trial record, Corrigan examined three jurors and a newspaper reporter on the witness stand.

Delays "Errors" Ruling

Judge Blythin indicated he would not rule on this motion at least until tomorrow.

Those subpoenaed as witnesses were:

GUS DALLAS, Plain Dealer reporter, who testified he was admitted to the Sheppard home in Bay Village the day of the murder by Coroner Samuel R. Gerber and Police Chief John Eaton of the suburb.

JAMES C. BIRD, foreman of the jury which found the defendant guilty of second degree murder, who denied that the jury had been separated during their deliberations to permit newspaper photographs to be taken.

MRS. LUELLE WILLIAMS, Juror No. 6 on the panel, who denied under questioning by Corrigan that she had ever told anyone that "if she got on the jury she would fry Sam Sheppard."

MRS. LOUISE K. FEUCHTER, Juror No. 5, who also denied she had discussed the Sheppard case with anyone before she was sworn as a juror.

Corrigan subpoenaed Mayor J. Spencer Houk of Bay Village as
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a witness, but did not call him to the stand.

After conferring with Houk in the courthouse corridor, Corrigan hinted that the mayor was involved in the newly discovered evidence, but would not reveal in what way.

Corrigan's sharpest questions were directed at Mrs. Feuchter. When she stepped down from the witness chair she angrily told Judge Blythin: "I don't like anyone making a monkey out of me."

Mrs. Feuchter denied under Corrigan's probing questions that she had said to some woman that "if Sam didn't commit this murder then his brother Steve did it."

Questioned About Letter

Mrs. Williams was questioned by Defense Attorney Fred W. Garmone about a letter she received while the trial was in progress. She said she had received the "crank" letter and turned it over to Bailiff Edgar Francis.

Judge Blythin produced the letter and advised Assistant County Prosecutor Saul Danaceau that "it was not much to see." He indicated it contained "drivel" that had been directed at other prospective jurors before the trial began.

Corrigan questioned Jurymen Bird closely about a photograph which appeared in The News Dec. 20 while the jury was deliberating the fate of Dr. Sam.

The picture showed women and men jurors separately in the

coffee shop of the Hotel Carter where they were sequestered.

Bird said he did not recall where the picture was taken, but that the jury had not separated at any time during their deliberations.

Bailiff Gives Details

Bailiff Edgar Francis, in charge of the jury, testified that at the request of a photographer he had asked jurors if they minded having their photograph taken after breakfast at the hotel. He said the photographer did not contact the jury, and that he had not asked Judge Blythin's permission to have the jury picture taken.

A similar photograph appearing in the Cleveland Press the following day was also cited by Corrigan as an "improper" contact with the jury after it had started deliberations.

Dr. Sam, who celebrated his 31st birthday yesterday in County Jail, was brought into court for the new trial motion. He sat at the trial table and glared at the three jurors as they appeared on the witness stand.

The defendant had dropped his attitude of prayer and sorrow which he displayed to the jury throughout the nine-week trial.