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57/05/14 Dr. Sam Agrees to Lie Test

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DR. SAM AGREES TO LIE TEST

By **HOWARD BEAUFIT**

Dr. Samuel H. Sheppard has finally agreed to take a lie detector test today in a renewed search for the instrument used to batter his wife to death in their Bay Village home nearly three years ago.

This was learned at the same time it was an-

nounced that two brothers of the doctor now imprisoned for life, Drs. Richard and Stephen and their wives, have already submitted to lie tests.

Chief Defense Counsel William J. Corrigan confirmed that the tests had been given to the brothers and that it was now up to Warden Ralph W. Alvis at

the Ohio Penitentiary to grant permission for Dr. Sam to face the lie box.

The warden told The News that he would not approve a lie test, or a truth serum examination of the doctor or any other prisoner under his jurisdiction. He said "many, many convicts claim they are innocent and to permit one a lie test would open the doors to all the others."

In connection with latest developments in the mysterious murder of pregnant Marilyn Sheppard, it was also announced that the defense is preparing to file a writ of habeas corpus in Federal Court in Columbus charging that Dr. Sam is illegally held in the penitentiary.

It has been exactly 666 days today since the

33-year-old Bay Village doctor entered the penitentiary to serve out a second degree murder sentence for the killing that occurred early in the morning, July 4, 1954, in his home at 28924 Lake Road.

Attorney Corrigan said the federal writ raises the constitutional question which the U.S. Supreme Court failed to act on when it turned down a defense plea to hear the appeal.

Dr. Sam contended his constitutional rights had been violated because inflamed publicity had prevented him from having a fair trial.

The lie tests came to light in an announcement in the current issue of Argosy Magazine which will be on the newsstands tomorrow. A story by Erle Stan-

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Sheppard Agrees to Take Lie Test

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ley Gardner, detective story writer and amateur criminologist, said that the magazine's "Court of Last Resort" had decided to go into the case.

Gardner said his "court" was not going into the Sheppard case with the usual approach. "We are not taking it up on the premise of wrongful conviction," he said, "but on the premise of locating the murder weapon."

The writer said that if Dr. Sheppard was guilty he should be able "to tell us where the weapon is." He suggested that Dr. Sam also be examined under a deep narcosis, or truth serum.

The magazine carried a letter from Dr. Stephen A. Sheppard saying that all members of the family had agreed to the lie tests which they had steadfastly refused to take during the murder investigation.

Corrigan, too, had been op-

posed to members of the Sheppard family taking the tests on the ground that they had no legal standing in court and were not an accurate measurement of truth or falsehood.

Referred to Magazine

Dr. Richard Sheppard referred all questions about the lie tests to Argosy magazine. He said:

"We have been completely confident of Dr. Sam's innocence and will use any means in getting at all the facts to vindicate him. We are not at all worried about an objective investigation of the facts."

Dr. Stephen Sheppard could not be reached for comment.

Gardner, who conducts the "Court of Last Resort" as a

magazine promotion, said that the prime question still to be answered was "Where is the instrument used to kill Mrs. Sheppard?"

Weapon Still Missing

An extensive search of the Sheppard grounds and the lake in front of the house failed to turn up the weapon, or a missing T-shirt that Dr. Sam wore the night of the murder.

The magazine article, while not stating whether the writer had any conviction as to whether the doctor was innocent or guilty, complimented Coroner Samuel R. Gerber and Capt. David E. Kerr, head of the Cleveland police homicide bureau, for their investigative work on the strange crime.

Mayor J. Spencer Houk of Bay Village, who was first to learn of the murder in a dawn phone call from Dr. Sam, said he had read the magazine article, but said it seemed "more like a promotional stunt" than a revelation of new developments.

Results Not Revealed

Results of the lie tests given

to Drs. Stephen and Richard and their wives have not been announced.

Houk testified at the trial that Dr. Richard arrived at the Sheppard home at 6:10 a.m. the day of the murder, examined Mrs. Sheppard in her blood-spattered bedroom and told his brother:

"She's gone, Sam . . . Did you have anything to do with this?"

Houk said that Dr. Sam replied: "Hell, no."

The Bay Village mayor also testified that Dr. Stephen arrived at the house at 6:15 a.m. with his wife and they took Dr. Sam to Bay View Hospital, operated by the family, in a

station wagon without permission of police at the scene.

Accused Intruder

Dr. Sam has maintained throughout the investigation and trial that a "bushy-haired" intruder beat his wife to death and then clobbered him when he rushed to her aid.

He maintained that a vertebra in his neck was fractured in a tussle with the killer. Only other person in the house at the time was the Sheppard's seven-year-old son, Samuel Reese (Chip) Sheppard Jr.

An autopsy revealed 35 separate head injuries on the face, head and hands of the dead woman, made apparently by a semi-sharp instrument.