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7-29-1954

## 54/07/29 Confer on Murder Arrest

Cleveland Press

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# CONFER ON MURDER ARREST

## City Hits 25-Day Stall by Bay

PRESS 7-29-58

Handcuffs on the Wrong People?



### "It's Up to You," Cleveland Tells Suburban Chief

Bay Village police have refused for 25 days the pleas of Cleveland police and Coroner Samuel R. Gerber to arrest Dr. Samuel H. Sheppard for the murder of his pretty wife, Marilyn.

This was learned today as a top level strategy meeting of law enforcement officials assembled to determine how and when the 30-year-old osteopath should be taken into custody—and who should make the arrest.

The meeting was a resumption of yesterday's three-hour session at which top police restated to Bay Village officials "your responsibility to arrest Dr. Sam."

Again today Bay officials were told "it is up to you."

The meeting started shortly before noon in the office of County Prosecutor Frank T. Cullitan.

Bay Police Chief John Eaton and Bay Mayor J. Spencer Houk refused immediate action.

### **First Asked Arrest July 4**

The first request for Dr. Sheppard's arrest was made on the morning of July 4, a few hours after he reported his wife's murder in their home at 28924 Lake Rd. It was directed to Chief Eaton by Cleveland Homicide Detectives Pat Gareau and Robert Schottke, who were called in on the case at Bay Village's request.

At this time, Dr. Sheppard had been removed from the murder scene to Bay Village Hospital by his brothers without police authorization.

"There's your man—in the hospital," the homicide men told Eaton. "He should be arrested or removed from that hospital and taken to the prison ward at City Hospital."

Did Chief Eaton refuse the recommendation?

Detective Chief James McArthur, confirming the statement of the homicide men, said: "The record speaks for itself."

### **Recommended by Gerber**

Dr. Gerber, it was learned, made a similar recommendation to Eaton.

**Request of Gareau and Schottke for the arrest of Dr. Sam came after they heard:**

**"The relatives of Dr. Sam are much worried because there had been trouble between Sam and Marilyn."**

**The detectives were told this by a Bay Village official.**

It was at this time Gareau and Schottke told Dr. Sam:

**"We think you did it."**

**It was shortly after this that the Cleveland detectives found themselves out of the investigation.**

**"They are too rough,"** was the reported reaction of Bay Village officials.

**Mayor Houk, a close personal friend of Dr. Shep-**

# Blast 25-Day Stall in Murder Arrest

(Continued From Page One)

PRESS 7-29-54

pard, who owns a boat jointly with him, entered yesterday's meeting at Central Police Station, and asked them to consult Bay Village Law Director Richard Weygandt.

But Weygandt told The Press this morning that neither Houk nor Eaton had consulted him.

Chief Eaton today referred questions on the arrest subject to Cleveland Police Chief Frank W. Story.

"I don't know of any other suspects in the case at this time," he said. "I think a lot of people would like to find another suspect, but I don't know of any."

Dr. Gerber received a transcript of his three-day inquest into Mrs. Sheppard's murder this morning, and said he might make a ruling "very soon."

## Authority Limited

The coroner said review of the law indicated that his authority was limited to ordering anyone jailed as a witness, or directing the police and sheriff to "continue an investigation" in a certain direction.

Dr. Gerber has maintained since the murder was reported that the "crucial fact" is the absence of any physical evidence that anyone else was in the Lake Rd. home at the time of the crime besides Dr. Sheppard and his son, Sam (Chip) Jr., 7, who slept through the entire incident.

Dr. Sheppard insisted that he had engaged in two struggles with a maniacal killer, and was knocked unconscious twice.

It was learned that Dr. Sheppard's movements have been under constant surveillance since the Cleveland Police Department took over the investigation at the request of the Bay Village City Council. He was at Bay View Hospital today, making his routine rounds of patients.

Today's meeting was arranged when the session in Chief Story's office ended at 6 p. m. yesterday. Present were Houk, Story, Eaton, McArthur and Homicide Capt. David Kerr.

Weygandt, the Bay solicitor, said he had no official information about the meeting, and would be handicapped in giving any opinion because he had not previously been consulted or informed about the facts of the murder investigation.

The Grand Jury convened at the Criminal Courts Bldg., but Foreman Bert Winston said he did not expect the Sheppard case to be presented for indictment today.

Houk told The Press he had "nothing to offer" at yesterday's conference, and "will have nothing to offer" at today's.

"I don't know that there will be any arrest," he said.

The mayor was the first man summoned to the Sheppard home by Dr. Sam when he reported his wife's murder.

Dr. Gerber today received the Bay View Hospital records of the treatment of Dr. Sam

Coroner Samuel R. Gerber has requested Selective Service officials to provide a full report on why Dr. Samuel H. Sheppard was deferred from military service.

Dr. Sheppard's brothers have explained that he was deferred first as a medical student, and later as a father. The coroner said he wanted to see the official record of the deferment.

there immediately after his wife's murder. He also obtained the X-rays taken at that time.

Dr. Stephen Sheppard, Dr. Sam's brother, first announced that the murder victim's husband had a fractured neck. He later amended this to damaged tissue in the neck vertebrae.

Dr. Richard Hexter, who made an independent examination of Dr. Sam on the murder morning, said he found no evidence of a neck injury.

One of the reasons given for not subjecting Dr. Sam to continuous interrogation after the

slaying was his "neck injuries." He has been wearing a protective neck collar most of the time since the murder.

Cleveland detectives resumed questioning Miss Susan Hayes, 24, former Bay View Hospital laboratory technician who flew back from Los Angeles to contradict sworn statements by Dr. Sam at the inquest into Marilyn's murder.

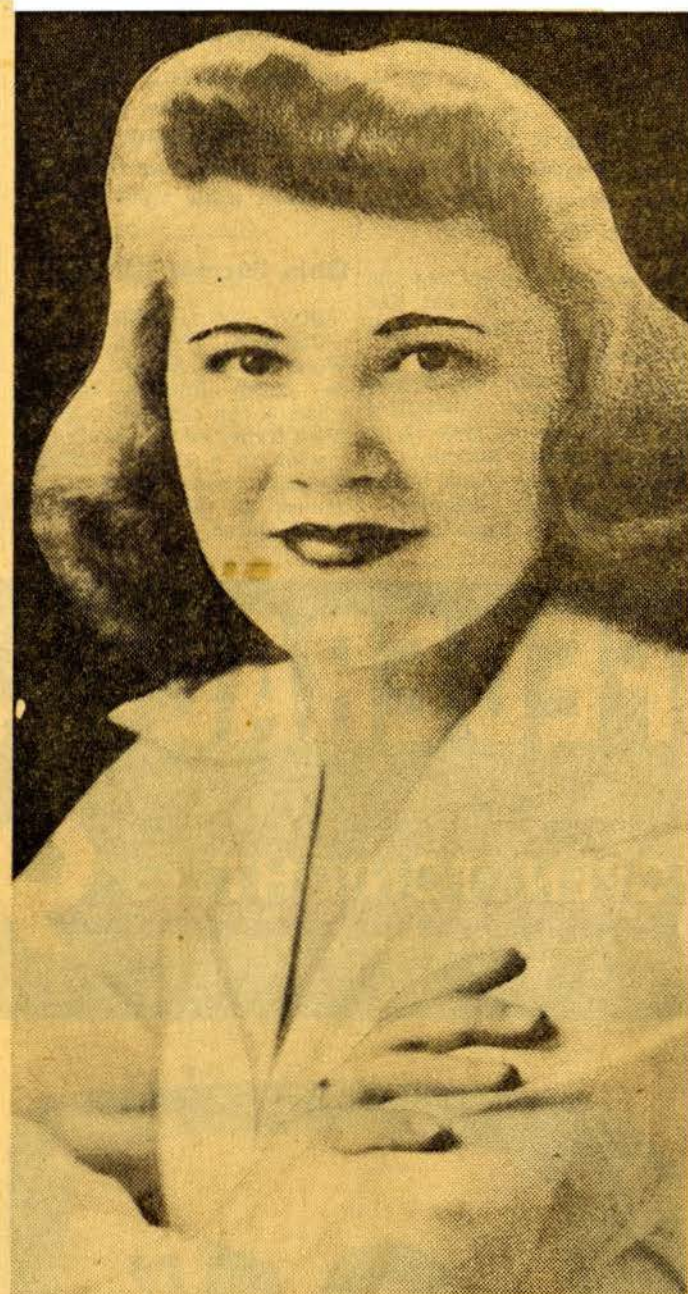
Miss Hayes said she had received expensive gifts from Dr. Sam, and admitted relations with him during his visit to the West Coast last March. Both points had previously been denied by Dr. Sam.

An offer of Dr. Sheppard's attorneys, William Corrigan and Arthur E. Petersilge, to permit him to be questioned further in their presence was rejected by Chief Story and McArthur.

Corrigan, one of Cleveland's best-known criminal defense lawyers, was called into the case July 4 shortly after Schottke and Gareau told Dr. Sheppard he was the "No. 1 suspect" in the case.



**WHETHER TO ARREST A MURDER SUSPECT** was the subject of this huddle at Central Police Station. Participants are John Eaton, Bay Village police chief; Capt. David E. Kerr, head of Cleveland's homicide squad; J. Spencer Houk, Bay Village mayor, and Cleveland Detective Chief James McArthur.



**25-DAY-OLD MURDER OF MARILYN SHEPPARD** is still unsolved. The only persons held by police in that time have been two women who gave statements to police, a half-dozen hitch-hikers and a couple of fishermen. The principal suspect has never been arrested.