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## 54/08/06 Blood is Found in Garage

Cleveland Press

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# BLOOD IS FOUND IN GARAGE

# Wait Ruling on Challenge to Hearing

## BULLETIN

A Cleveland detective was sent to Detroit today to check on another reported extra-marital romance in the recent past of Dr. Samuel H. Sheppard. Investigators previously have placed five "other women" in the osteopath's life in the past four years.

Science today provided police with more evidence in the Marilyn Reese Sheppard murder investigation.

Tiny 33-day-old specks of blood picked up by chemical techniques traced her killer into the garage of the murder home at 28924 Lake Rd., Bay Village.

Meanwhile, three judges were preparing their decision at Lakeside Courthouse on defense attorneys' latest bid for freedom for Dr. Samuel H. Sheppard, charged with the murder of his wife.

The defense sought to ban a preliminary hearing on the murder charge in Bay Village Mayor's Court.

Originally set for 1 p. m. tomorrow, the hearing was changed to 10 a. m. Monday—provided the Appellate Court approves.

The defense petition challenged the right of Bay Village Council President Gershom M. M. Barber to preside at the hearing.

Detective Chief James McArthur said the blood stains, discovered by detectives working painstakingly through the night, provided new insight into the killer's actions.

"The killer was a man in confusion, running about like a chicken with its head off," McArthur said. "He was apparently in a state of panic, not knowing what to do."

In the garage of the home, Dr. Sheppard's green Jaguar sports car was found on the murder morning with the keys in the back trunk. There were two wrenches in the back.

### Houk Questioned

The wrenches were considered as the possible murder weapon, but ruled out after examination by Coroner Samuel R. Gerber.

Dr. Sheppard waited restless-

ly in the County Jail for word of the outcome of the legal effort to block the preliminary hearing.

His personal friend, Bay Village Mayor J. Spencer Houk, was quizzed for three hours last night by homicide detectives at Central Police Station.

Houk admitted he had originally withheld information from some investigators of the 33-day-old murder.

That information was his knowledge of the "affair" involving Dr. Sheppard and Miss Susan Hayes, 24-year-old former Bay View Hospital laboratory technician who admitted intimacies with the osteopath in California last March.

McArthur quoted Houk as saying:

"On the murder morning, I figured that Sam couldn't have done it. I didn't want to add to his already heavy burden."

The 42-year-old Bay Village butcher, who serves as mayor on a part-time basis, said he told all he knew about Miss Hayes to Bay Village Police Chief John Eaton—but instructed him "don't say you got this from me."

Houk said the fact that a

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# Killer Is Traced to Garage at Sheppard Home

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polygraph registered "deception" when he took an earlier lie detector test was due to "my nervousness."

It was Houk's refusal to sign a murder warrant for Dr. Sheppard's arrest which provided the basis for today's court action.

## Judges Study Plea

The three judge Appellate Court took under advisement the demand of Dr. Sheppard's battery of defense attorneys that a permanent writ of prohibition be issued barring Barber from presiding at Monday's preliminary hearing.

It was believed the judges would rule on the case late today. They ate lunch in their chambers after receiving a final written brief from Bay Village Law Director Richard S. Weygandt.

Barber, a tax consultant, signed the murder warrant and set the preliminary hearing which will decide whether Dr. Sheppard is held for the Grand Jury.

The defense battery was opposed by Weygandt, flanked by Assistant Prosecutor John Mahon, Saul Danaceau and Thomas Parrino—the team that has been designated to prosecute the osteopath if he is indicted.

Hearing the case were Appellate Judges Joy Seth Hurd and Julius M. Kovachy, joined by Judge Oscar Hunsicker of Akron.

## One Witness Called

The court hearing was brief and formal, with only one witness called to testify.

Only witness called was Barber. He said he was elected president of the seven-member Bay Village City Council last November and had presided at Dr. Sheppard's arraignment last Friday night.

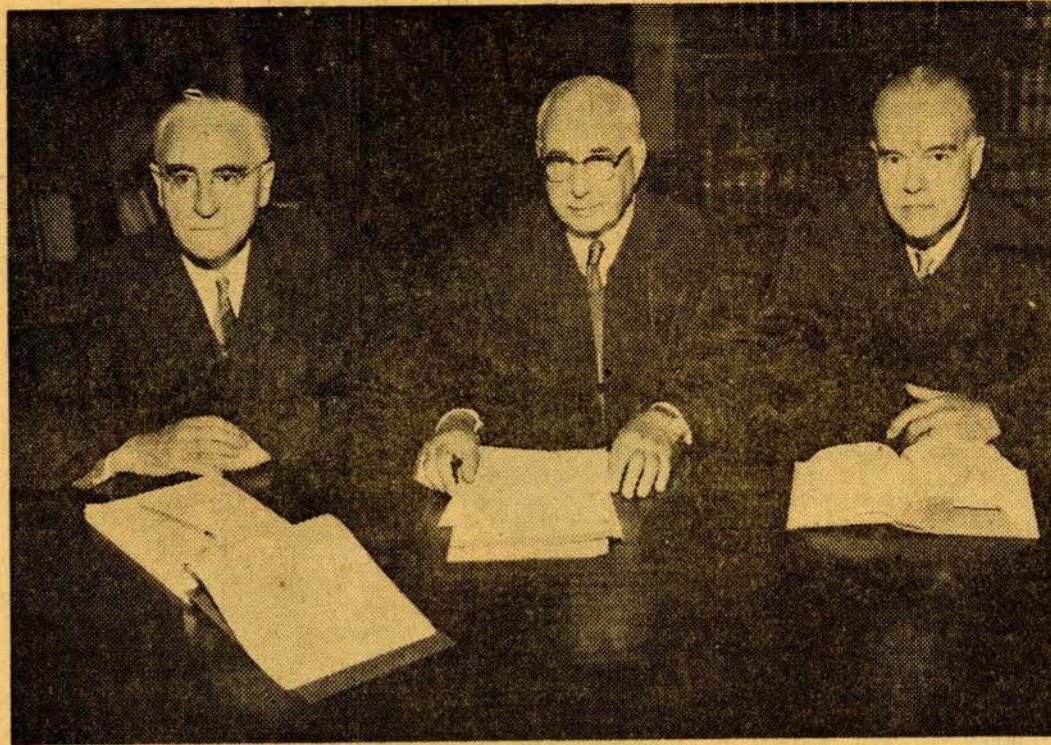
When Defense Counsel Timothy McMahon asked if Dr. Sheppard had been represented by counsel, and began arguing that the osteopath should have had a lawyer present, Judge Hunsicker cut him off with: "What does that have to do with a writ of prohibition?"

## Questioned by Judge

Mayor Houk, waiting to be called as a witness, was excused when Assistant Prosecutor Mahon stated that the suburban mayor would be a "material witness" both at Dr. Sheppard's preliminary hearing and when the case is presented to the Grand Jury.

McMahon's argument that a justice of the peace, not the Council president, should have presided at the arraignment was interrupted by Judge Kovachy's question: "Why wasn't this question raised in the habeas corpus hearing?"

Weygandt cited this hearing, at which Common Pleas Judge Frank J. Merrick refused to order Dr. Sheppard released, in



**APPELLATE JUDGES** who ruled on Dr. Samuel Sheppard's latest bid for freedom are Judges Julius M. Kovachy, Joy Seth Hurd and Oscar Hunsicker of Akron, a vacation replacement for Judge Lee E. Skeel.

his final argument.

The youthful law director, son of Chief Justice Carl Weygandt of the Ohio Supreme Court, spoke softly in a steady tone, arguing that the action was "an evasive attack which should not be tolerated by this court."

Chief Defense Counsel William J. Corrigan was absent from the hearing. McMahon was aided by Arthur E. Petersilge and William H. Corrigan, the defense chief's son.

McMahon's plea that the courts protect the rights of all and not follow in the footsteps of the Russian "people's courts" brought an interjection from Judge Hurd: "Needless to say, this case will be decided on the merits of the law and the evidence presented here."

McArthur noted that the trail of blood through the house and garage — assuming that the fluid was dripping from the killer's clothes or the missing murder weapon — did not coincide with Dr. Sheppard's account.

Dr. Charles Elkins today gave Dr. Samuel H. Sheppard a physical examination in the County Jail, and concluded:

"Dr. Sheppard's physical condition is good. My opinion was not altered on my original diagnosis of an injury in the neck region, from which he is recovering."

Dr. Elkins' earlier diagnosis was one of the reasons Dr. Sheppard was spared police quizzing for four days.

At the coroner's inquest Dr. Richard Hexter said he found no indication of a neck injury on July 4.

Dr. Stephen Sheppard, Dr. Sam's brother, also brought Dr. D. L. Backline of Grove City, Pa., to examine the accused osteopath.

According to the osteopath's inquest testimony, he saw the slayer run out the door which leads to the beach.

Houk, McArthur said, was interrogated last night "as a witness—not in his capacity as a public official."

The suburban mayor expressed regret that he had not "told all" previously.

He explained that, on the murder morning, he had not gone up to the second-floor bedroom to see the victim's body immediately, but had gone up later. He said he peered in, but did not enter the room.



**DISC JOCKEY BILL RANDLE** (left) was questioned today by Homicide Capt. David Kerr and other detectives about the social life of Dr. Samuel Sheppard and his wife, Marilyn. Randle was called in because he is a member of the "sports car" set in which the Sheppards moved. He said he answered "about 80 questions" and said he knows nothing derogatory about anyone who has been mentioned in the murder investigation.