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54/08/02 Dr. Sheppard Denied Release, Faces New Quizzing in Jail

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THE WEATHER

TONIGHT—Partly cloudy, showers, warmer. Low, 65.

TOMORROW—Cloudy, scattered showers and warmer. High, 87.

U. S. Weather Bureau Official Forecast

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DR. SHEPPARD DENIED RELEASE, FACES NEW QUIZZING IN JAIL

Corrigan Will Carry Plea to Higher Court

BY HOWARD BEAUFIT

Dr. Samuel H. Sheppard, accused of the premeditated murder of his pregnant wife, today lost his first bid for freedom on a legal gimmick.

But Defense Attorney William J. Corrigan, immediately after a writ of habeas corpus was denied, announced he would make another attempt in the Court of Appeals to free the Bay Village osteopath from a County Jail cell.

Meanwhile, Dr. Sheppard was led back to jail to face further questioning by homicide detectives who are convinced they can obtain a confession from him.

Before leaving the courtroom Corrigan told Dr. Sam: "The only way you can convict yourself is by your own mouth."

Dr. Sam replied: "I did not kill my wife and I will talk to the police because I have nothing to conceal."

Dr. Sheppard left jail at 10 this morning, wearing the orthopedic collar around his injured neck, to appear before Common Pleas Judge Frank J. Merrick for hearing on the writ.

The doctor came into court handcuffed to County Detective Carl Rossbach. He wore the pale blue slacks and white sport shirt he had on when arrested last Friday evening.

After hearing four witnesses, Judge Merrick summarily denied oral arguments of attorneys, refused the writ and remanded the tall, athletic defendant into the custody of the sheriff.

File Appeal Notice

Corrigan and his co-counsel, Arthur E. Petersilge, file notice of appeal from Judge Merrick's decision in the Court of Appeals shortly after 3 p. m.

None of the three appellate judges was present to receive the notice. Corrigan indicated he would file a motion to advance the appeal for hearing rather than wait the six weeks that ordinary procedure would require.

Dr. Sheppard had 35 minutes of freedom from his jail cell before he was taken back. He sat nervously twisting his fingers in his lap while his attorney, Corrigan, argued that he was being held illegally because the murder warrant had been issued by Council President Gershom M. M. Barber of Bay Vil-

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County Detective Carl Rossbach (left) is shown here as he led Dr. Samuel H. Sheppard (in hand-cuffs) to the court hearing. Deputy Sheriff Dave Yettra is in the rear.

Sheppard Refused Release From Jail

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lage, acting as mayor, instead of the mayor, J. Spencer Houk.

Judge Merrick cited a change in the statute in 1941 which gave council presidents or councilmen in municipalities authority to act for the mayor if for any reason he was prevented from carrying out the duties of his office.

Houk Gives Testimony

Mayor Houk, called as a witness at the writ hearing, testified he was a neighbor and good personal friend of Dr. Sheppard and that he had been a witness at the coroner's inquest. For that reason, he said, he did not issue the warrant, but delegated the authority to his council president.

The courtroom was crowded for the hearing, mostly with attorneys and women employed in the Lakeside Courthouse. The general public had been barred by order of Judge Merrick.

The brother and father of the prisoner, Drs. Richard A. and Richard N. Sheppard, sat in the rear of the court. When the writ was denied they conferred with Corrigan on future action.

Other Witnesses Called

Witnesses called besides Mayor Houk were Barber, Lt. Clifford Mercer and Patrolman Fred Drenkhan, both of Bay, who arrested Dr. Sheppard.

Dr. Sam sat between Corrigan and Attorney Arthur E. Petersilge at the trial table. Across from him were Police Chief Frank W. Story, Assistant County Prosecutors Thomas Parrino and Saul S. Danaceau, and Bay Law Director Richard S. Weygandt.

Mahon, over constant objections of Corrigan, brought out from Mayor Houk how close a friend he was to Dr. Sheppard and a description of the murder scene on the morning the osteopath called him and said: "My God, Spence, come over quick. I think they have killed Marilyn."

Immediately after the hearing Dr. Sheppard was taken to Central Police Station for fingerprinting and photographing for police records.

The prisoner returned to County Jail, but it was expected he would be taken elsewhere for further questioning. Chief Story said there were too many interruptions by attorneys for effective questioning at County Jail.

Before going to court, homicide detectives said they had gotten an admission from Dr. Sheppard that he had lied about his affair with Miss Susan Hayes, the "other woman" in the month-old sensational murder mystery.

Teams of homicide officers, after nine hours of intermittent questioning the prisoner in his County Jail cell said he had made these three admissions:

THAT HE LIED about his affair with Susan Hayes, pretty 24-year-old medical technician, and admitted the affair was more than "casual" as he had first described it.

THAT HE TOLD Susan he would like to get a divorce from Marilyn Sheppard, but it was impossible because he did not want to "smear" the Sheppard name.

THAT HE TOLD Susan he loved her, and that he also loved his wife, but not as a wife.

Capt. David E. Kerr, in charge of the homicide interrogation of

Dr. Sheppard since he was jailed, said that detectives had only been permitted to talk with him a total of nine hours because of frequent "stalling" interruptions of Corrigan and Petersilge.

Sheriff Sweeney, in legal charge of the prominent osteopath prisoner, said also he would not permit any further "stalling around" with Sheppard by counsel.

Work in Relay

Corrigan appeared at the jail at 8:30 a. m. yesterday and was permitted to see Dr. Sheppard in a visiting room. At 10:30 a. m., he was joined by Petersilge. Corrigan left at 11:15 a. m. to have lunch and returned at 1 p. m. to relieve Petersilge so he could go to lunch.

On this occasion, however, Sheriff Sweeney put his foot down and advised Corrigan he had sufficient time for visiting, and that waiting homicide detectives were entitled to see and question the prisoner.

Corrigan returned later and was permitted to remain with his client until 9:15 p. m.

Kerr Shows Anger

Capt. Kerr, angry over the frequent interruptions, said that Dr. Sheppard was obviously coached and advised not to talk about the July 4 murder, despite Corrigan's statement that his client was innocent and had been told he could talk all he wanted to.

If Dr. Sheppard is denied his freedom on the writ, it was believed the interrogation procedure and scene would be changed. He will probably be taken to police headquarters for questioning in one of the small homicide rooms which are not so available to visiting attorneys.

A deputy sheriff said that at one point yesterday attorneys' "stalling" tactics were carried so far that Petersilge was reading a Plain Dealer to Dr. Sheppard, even spelling out some of the words.

Sheriff Sweeney said that Dr. Sheppard complained of a headache and that his injured neck was bothering him. The orthopedic collar, which had been taken from his cell, was returned to him. He was also given aspirin, the sheriff said.

Miss Susan Hayes, who disputed Dr. Sam's inquest testimony by signing a statement that she had a love affair with him, is still secluded in a downtown hotel under guard of policewomen.

Police Chief Frank W. Story said that "something new has come up," and that detectives would again talk to Miss Hayes.

Capt. Kerr said that some of the letters written by Dr. Sam to Susan were still in existence, although she had first said they were all destroyed.