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54/08/09 Take Sheppard Murder Bed

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TAKE SHEPPARD MURDER BED

Sofa Also Is Evidence

Several pieces of furniture—including the blood-stained bed on which Marilyn Reese Sheppard was beaten to death—were moved out of the house at 28924 Lake Rd., Bay Village, today for two grim purposes:

TO PREPARE A COURTROOM EXHIBIT if Dr. Samuel H. Sheppard is tried for the murder of his wife.

TO MAKE NEW SCIENTIFIC TESTS which might aid in determining the nature of the missing murder weapon.

Items removed from the Sheppard home to the County Morgue on Adelbert Rd. included the blood-spattered closet door from the victim's bedroom.

Also taken were the chair from Dr. Sheppard's downstairs study and the floor pad on which it rested.

Coroner Samuel R. Gerber, who ordered the evidence taken to his laboratory, disclosed that the au-

thorities already are planning what exhibits to present to a murder trial jury.

Dr. Sheppard won a respite from court appearances when Common Pleas Judge Frank J. Merrick granted a defense request to postpone until 10:15 a. m. Thursday the hearing of a claim that the 30-year-old osteopath could not receive "fair treatment" in Bay Village Mayor's Court.

Chief Defense Counsel William J. Corrigan said he was willing to waive the defendant's presence at the Thursday hearing at Lakeside Courthouse, but Judge Merrick insisted Dr. Sheppard be brought from his jail cell for the session.

Also removed from the murder home for scientific tests and later use in re-enacting the crime at a trial was the downstairs sofa on which Dr. Sheppard dozed off on the night before the July 4 slaying.

Display of the bed and sofa at a murder trial would

pose this question for the five-lawyer defense battery:

Should Dr. Sheppard take the witness stand and re-enact his version of the events of the murder morning?

If he does, investigators contend, it will be possible to demonstrate that bloodstains on the trousers he wore when he reported the murder were thicker than would be possible if he merely stood by the bed and felt his wife's pulse and neck.

Mrs. Sheppard was killed by 25 or more savage blows of a still missing murder weapon.

The bed had been checked previously to determine if some part of it was used as the death dealing instrument.

According to Dr. Sheppard, he was asleep on the downstairs couch when he heard his wife cry out in

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COUCH on which Dr. Samuel Sheppard slept before the murder of his wife was removed from the Bay Village house today by Frank Zager and Regis Kennedy of the county custodian's staff.



SWIVEL CHAIR from Sheppard study was taken to the county morgue today as evidence to be used if Dr. Sheppard is tried for murder.

Murder Bed Moved From Sheppard Home

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terror. He claims he ran upstairs to struggle with the killer.

Investigators have received no explanation of why his jacket was found neatly folded on the end of the couch on the murder morning.

Defense Asks for Time

Postponement of today's scheduled hearing at Lakeside Courthouse took only five minutes.

Corrigan said he needed more time to subpoena witnesses who could testify to the "bias and prejudice" of Bay Village Council President Gershom M. M. Barber.

Judge Merrick said a three-day continuance was customary in such cases.

Bay Village Law Director Richard S. Weygandt consented to the delay, with the proviso that the defendant waive his right to a preliminary hearing within 10 days after his arrest. The 10-day time limit expired today.

Merrick said the "affidavit of prejudice" filed by the defense against Barber, who is a tax consultant in private life, automatically waived the time limit.

Barber, Corrigan contends, is "biased and prejudiced," having termed the long delay in arresting Dr. Sheppard "silly."

Weygandt insists Barber is qualified to give Dr. Sheppard an impartial hearing.

Should Merrick find Barber "prejudiced," the hearing would be shifted to another suburban mayor's court or to Cleveland Municipal Court.

Precedent for Transfers

There is considerable precedent for transfer of trials from one suburb to another on the claim that the mayor is an "interested party" in a case.

Barber signed the murder warrant on which Dr. Sheppard was arrested July 30 after Bay Village Mayor J. Spencer Houk disqualified himself.

The Bay Village hearing, originally set for this morning, was postponed when Corrigan filed the "affidavit of prejudice" against Barber.

The Thursday hearing actually will be a minor sparring match between the defense team and the group assigned to prosecute the murder case. Weygandt is being aided by Assistant Prosecutors Saul S. Danaceau, John J. Mahon and Thomas Parrino.

Sole purpose of the delayed preliminary hearing is to determine whether there is sufficient evidence to

justify holding the defendant for possible Grand Jury indictment.

Prosecutor Frank T. Cullitan has indicated that the case may be taken directly to the Grand Jury if he decides there is "unnecessary defense stalling."

Could Be Rearrested

The defendant could be immediately rearrested on an-

other warrant, even if the magistrate presiding at the preliminary hearing ordered his release.

Weygandt called Bay Village Councilmen Lester W. Schaffer and Dale A. Smith to testify to Barber's "impartiality."

Schaffer and Smith spearheaded the move by which the Bay Village Council handed control of the murder investi-

gation to the Cleveland Police Department. This followed the refusal of Houk and Bay Village Police Chief John Eaton to accept the recommendation of Coroner Samuel R. Gerber and Cleveland homicide detectives that Dr. Sheppard be charged with his wife's murder.

Spends Quiet Sunday

Dr. Sheppard spent a quiet Sunday reading in his fourth-floor cellblock at the County Jail. He had no visitors and held aloof from the other prisoners. There were no visitors this morning, either.

Replying to a report that Dr. Sheppard was "disgusted" with jail conditions because he couldn't shave whenever he wanted to and the washroom facilities were "atrocious," Sheriff Joseph Sweeney said the osteopath was "just another prisoner—entitled to no special privileges."

The report was made by Gerry Flick Jr., 20, of 3137 Rocky River Dr. Detective Chief James McArthur and Homicide Capt. David Kerr rejected Flick's claim that he had picked up a hitch-hiker at Conneaut on the morning of July 4 who "seemed to know a lot" about Mrs. Sheppard's murder.

Flick, a pre-med student at Colgate University, three times refused to take a lie detector test to support his claim.

Detectives continued ques-

tioning friends of Sam and Marilyn Sheppard in several cities, seeking the missing "Margo" and "Dottie," two of the five "other women" definitely placed in Dr. Sheppard's recent past. The two women were said to have been on friendly terms with the osteopath while he was a neurosurgeon at Los Angeles County General Hospital.